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POW/MIA POLICY AND PROCESS

HEARINGS

BEFORE THE

SELECT COMMITTEE ON POW/MIA AFFAIRS

UNITED STATES SENATE

ONE HUNDRED SECOND CONGRESS

FIRST SESSION

ON

THE U.S. GOVERNMENT'S EFFORTS TO LEARN THE FATE OF AMERICA'S MISSING SERVICEMEN

PART I OF II

NOVEMBER 5, 6, 7, AND 15, 1991

Printed for the use of the Select Committee on POW/MIA Affairs

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POW/MIA POLICY AND PROCESS

TUESDAY, NOVEMBER 5, 1991

U.S. SENATE,
SELECT COMMITTEE ON POW/MIA AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9 a.m., in room SH-216, Hart Senate Office Building, Hon. John F. Kerry (chairman of the committee) presiding.

Present: Senators Kerry, Smith, McCain, Brown, Grassley, Kohl, Helms, Kassebaum, Reid, Robb, and Daschle.

STATEMENT OF HON. JOHN F. KERRY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

The CHAIRMAN. Welcome to the first set of hearings of the Select Committee. Our first witness is Secretary of Defense Dick Cheney. He is under some time constraints and we are very appreciative of his taking the time to be here as a signal of his concern and of the administration's attachment of importance to this issue.

Senator Smith and I will make opening comments, since this is the first round of the Senate Select Committee, and then we will turn immediately to the Secretary's testimony and, subsequently, other colleagues, by prior agreement, will make their opening statements and we will place them in the record at the appropriate place without interruption.

I would like to take a moment to say something about the task that brings us here. Perhaps the best way to explain why we are here is to cite the case of a family from my own State of Massachusetts, a family that lost a son off the coast of Vietnam in 1968. No body was found, no one saw the sailor killed, he simply disappeared. I have met with that family on several occasions, right up until recent days. They are not an unusual POW/MIA family. They are basically very trusting people, patriotic people. They have always respected our Government and its institutions, but they have doubts.

They have told me of cryptic and frustrating conversations with officials of our Government, of missing medical records, of items disappearing from their son's file, and of reports from independent sources that their son has been sighted and that he is alive.

This family is not interested in national attention. They are interested in one item, the truth—if he is alive. They tell me we need your help, Senator. If he is not alive, we want to know what happened. That family and the other POW/MIA families obviously deserve the truth. They deserve to know, not just some, but everything that we know as a Government about what happened to their loved ones, and they deserve our continued best efforts to obtain new information, through human and electronic intelligence, and through hard-nosed discussions with the governments of Southeast Asia, and through expanded contacts between Americans and the people who live in that part of the world.

Above all, they deserve a Government that not only says that the POW/MIA issue is the highest national priority, they deserve to be able to believe that we act every single day of our lives as if that is in fact the case. Now, the members of this committee are very well aware of the expectations that have been stirred up by the prospect of this investigation. There are those who may be looking for this committee to do the impossible, to bring back to life those who were truly lost, or to uncover some hidden file where all of the answers to all of the unanswered questions are secretly stored.

Others may expect this committee to run into a brick wall of obstructionism from the executive branch, or somehow become a tool for conspiracy mongers, witch hunters, and crackpots. We have other intentions. And I think that most Americans, including most POW/MIA families, have a more realistic expectation; they understand the difficulty of the task that we face and the uncertainty of the results. They do not expect us to perform miracles. They do not expect us to assume the role or to carry out the functions that can only be performed by the executive branch of Government.

They do expect us, however, to approach this job seriously, professionally, objectively, comprehensively, and immediately. They expect us to lay out in a way that all Americans can understand, without a lot of mumbo-jumbo about classified information, exactly where we stand on the POW/MIA issue today, in plain English. They want to know how many Americans are still unaccounted for, not just technically, but really unaccounted for, and who they are and what do we know about their cases.

They want to know whether we have a system in place that will respond quickly and effectively to any credible evidence that Americans are being held captive, and they want to know who determines that evidence, and how it is determined to be credible, and what the criteria are that are used. They want to know whether the level of resources we are devoting to the issue corresponds to its importance, and whether we are really treating it as a high national priority or as a slogan.

They want to know whether Vietnam is still withholding information about Americans from us and, if so, how do we know that and what can we do about it, and when will full cooperation be forthcoming. They want to see anyone who is out there who is toying with the hopes of MIA families by manufacturing evidence, doctoring photos, or intentionally spreading false rumors, thrown into jail. And they want to know whether they can trust what all of us tell them—all of us, as part of our Government.

We are here because almost 19 years after the formal termination of the war in Vietnam, a part of that war is still very much with us. Nineteen years after the official departure, the POW/MIA issue still haunts America, raising doubts about our Government, about our commitment, and about past actions taken or not taken. We are here because we are compelled to be here by the need to keep faith with our own values as individuals and our commitment as a country, and because we have a duty to seek the answers and to make clear that we have done everything within our power to find those answers.

The POW/MIA issue is not a made-up issue. It is not something Congress sought out or gave life to. It is before us today precisely because it has a life of its own, and it has a life of its own for many reasons, because some believe in certain evidence that has yet to be put to the test, because not all communications have been handled as well as they might have been, because absent information to the contrary, it is impossible not to hold onto hope, because of complicated feelings about the war itself, because questions have not been answered. For a host of reasons, it is an issue with a life of its own. It is the subject now of the U.S. Senate Select Committee because families, friends, and fellow soldiers have refused to let their concerns die, and because they feel so strongly that there are legitimate unanswered questions.

The task of this committee, therefore, over the next year is clear. It is to prove to all concerned that we will leave no stone unturned, no question unasked, and no effort unexplored in order to try to resolve this issue. Some might ask what will make this different from prior efforts if, indeed, it can be. I am convinced that it already is different, and that everything about our effort will be different as we proceed from here.

First of all, it is the first formal U.S. Senate authorized investigation with appropriate investigative power and resources. Second, we begin with the advantage of building on the hard work of prior House and Senate inquiries. Third, we have already succeeded in working out ground rules with the Department of Defense that are different and which will produce significant cooperation, which many believe has been hard to come by or absent in the past.

I am assured by the Secretary of Defense and those working with him that documents and personnel will be made available and that we will work jointly and cooperatively to declassify significant amounts of information. That is also different than before. In addition, there is agreement today which has not existed previously that the entire POW/MIA process itself must open up significantly in order to diminish the potential for conspiracy theory or reality.

I appreciate Secretary Cheney's and Assistant Secretary Carl Ford's and Gen. John Vessey's commitment to letting America in on this process, and to advancing America's understanding of the issue. Nothing is more important than answering questions and putting this issue to rest than openness. But not only is the process different here at home, it is also different in Southeast Asia itself—different from any time in the past.

For the first time in the history of this inquiry we have American POW/MIA personnel permanently based in Vietnam itself. We have a new level of apparent cooperation from the Vietnamese, including document access, facilitated travel, and assignment of their own personnel to the effort. A new working relationship is taking shape that should permit our Government and this committee to verify Vietnamese actions and to measure the real meaning of their spoken promises. Nor are we limited to Vietnam alone.

In Cambodia and Laos, particularly in Laos, where so many of our questions reside and so much of our hope is placed, there are signs of new openings, greater possibilities for cooperation and progress. And changes in the Soviet Union may answer other disturbing questions about interrogation or transfer. All of this is new, and all of it affords the committee a different scope of inquiry and opportunity than at any time before. During my last two trips to Vietnam to pursue the answers to this issue, the Vietnamese officials indicated their desire to resolve it as soon as possible. And for the first time, they have accepted the concept of helicopter support being made available for teams to follow up immediately on live sighting reports.

They have reiterated promises made to General Vessey regarding files and personnel availability to weave through their bureaucratic maze. They have agreed to allow travel and have again invited families and veterans, and other interested parties to travel in any part of the nation. None of us can say with certainty what these invitations or promises will bring, but they certainly bring an opportunity to put to test Vietnam's good will in this effort, and to guarantee to ourselves that we leave no stone unturned. But there is more that is different here. For the first time we will have a full examination of every aspect of the POW/MIA program. We will hear not just from policymakers in Washington, but we will hear for the first time in public from the people in the field, some of whom have been pursuing this issue for more than a decade of their own lives.

Unlike any other prior inquiry, we will review the chain of custody of the POW/MIA issue from the negotiations in Paris until the present. And we will try to understand this issue in ways that it has not been the subject of understanding previously, and with an approach which has not been applied previously. I want to emphasize that over the next few days we do not expect revelations. We are setting out on this inquiry and only setting out on it. We expect to build a foundation for all that follows over the course of the next year. We will establish the framework of this investigation in setting out the outlines, the positions, perceptions, and arguments of all interested parties.

I also want to emphasize that we will not operate this committee on a partisan basis. We are not seated along party lines. Our staff is not divided along party lines, and we do not approach this issue with party concerns in mind. It is needless to say a cliche, but I assure you that we believe that if there ever was an issue that was not Democrat or Republican, but American and purely American, it is this issue.

It is our hope that these hearings will serve to educate both the committee and the public about the current status of this process while allowing both the supporters and critics of that process to have their say. Much of the work of this committee will be done behind closed doors of research, of depositions, of interrogatories, and when there is a story to tell, when we have our facts together and our understanding together, we will proceed in public because clearly it must be said in public. I also hope that the hearings will serve as an invitation to anyone out there who may have legitimate information about this issue to come forward and to share it with us.

Finally, I just want to very quickly address the question of why, on a purely human level, this investigation is important and why it needs to be done. The journalist Cokie Roberts wrote an article recently which struck me, which I thought summarized it. She lost her father, a Congressman, in a plane crash 20 years ago and neither the body nor the plane were ever found.

In the article she wrote, she compared her feelings to those of families with relatives missing in Southeast Asia, and this is what she wrote. She said:

> I know my father is not alive. I know that the most massive search ever conducted would have found that plane had it not sunk to the bottom of the sea. But still, I catch myself hesitating before changing the kitchen wallpaper, fearing that he will come home and think strangers are in the house. As silly as it seems, I every so often wonder if Daddy is alive in some remote Alaskan village, unaware of who he is. So the uncertainty will always lag at the back of my brain, but at least I have the satisfaction of knowing my country did everything it could.
>
> It can do at least as much to find its soldiers. They, after all, went into danger at the Nation's demand and though it is important to know if some soldiers survived, it is just as important to identify those who died. Their families are entitled to the peace of certainty. They deserve to mourn without fear that their mourning somehow implies that they have abandoned hope. They are due the dignity of burying their dead.

The debt that America owes its POW/MIA families cannot be repaid with sympathy, medals, benefits or monuments. It must be repaid with answers and an effort to provide answers. The best and most complete answers it is in our mortal power to provide. That is the purpose of this week's hearings and that will be the purpose of this committee's work. Senator Smith.

STATEMENT OF HON. BOB SMITH, A U.S. SENATOR FROM THE STATE OF NEW HAMPSHIRE

The VICE CHAIRMAN. Thank you, Mr. Chairman. Mr. Chairman, as the sponsor of Senate Resolution 82, which established this committee, I would sincerely like to thank my colleagues and the American people who supported this effort to try to resolve the POW/MIA issue. I would, of course, like to thank Secretary Cheney for leading the witnesses today as we commence 3 days of hearings on the fate of our missing service personnel. I also appreciate the forthcoming testimony of administration officials past and present, veterans' groups, families, and other concerned Americans who will provide the committee valuable insight as we begin. This is the beginning, to begin our investigation.

Also, I would like to thank Senator Kerry, the distinguished committee chairman, for extending his hand in nonpartisan cooperation and friendship as the committee begins its work. We are in this together and we will do whatever it takes to find the truth. As a member of Congress, I have taken two trips to Vietnam and one to Korea to try to account for missing service personnel. Since beginning my involvement in the issue some 7 years ago as a member of Congress, I have spoken to countless refugees, witnesses, Government officials, family members and veterans. I know firsthand that the issue of unaccounted-for U.S. personnel from past military conflicts continues to be a complex and very painful problem for many Americans.

With over 88,000 U.S. personnel still missing from World War II, Korea, Vietnam, and other conflicts, this problem simply cannot go away, and it will never go away until the American public is satisfied that this Government has done everything that it can reasonably do to find these warriors, and that our Government has been forthcoming with all of the information that it has. And I would just point out that this morning's headline in the Washington Post, which basically reports friendly fire a pattern of delay, denial, military concealed facts from families of Gulf casualties—this is why we have this credibility gap on this issue.

I would have hoped that we would have learned something from the Vietnam conflict and not have to revisit this again. Why is this issue still with us? Obviously, the Communist governments in Hanoi, Vientiane, Phnom Penh, Pyongyang, Moscow, Beijing, could provide the answers on the fate of many of these men if they made the political decision to do so. However, the resolve to make them do so must come from Washington, D.C. The best way to alleviate the doubt and uncertainty of the American public is to get the truth.

In a recent Wall Street Journal poll, 69 percent of Americans surveyed said they believe that Americans are still being held against their will in Southeast Asia and three-quarters of those say our Government is not doing enough to get them out. That is the polls. I am also told that some 80 percent of active-duty military personnel believe that there are live Americans yet in Southeast Asia. President Bush, like Presidents before him, has called this issue one of the highest national priority and I believe that President Bush believes that it should be and is the highest national priority. But in spite of these statements, there are strong differences of opinion on this issue and there is much infighting, too much.

Congress fights with the executive branch on access to intelligence, and outside groups fight with each other on strategy, the League of Families criticizes members of Congress, Congress criticizes the League of Families, veterans' groups spar over their interests. We ought to be ashamed of ourselves. It can never be the highest national priority to find our missing men until we make it a priority to work together to find them.

Perhaps it is nobody's fault. Perhaps it is everybody's fault, but the fact remains we need to be together as a Nation on the matter of accounting for our missing men and women, if we are going to put it behind us once and for all.

This committee must be a catalyst to bring all of the information together in one database. The American people through their elected representatives need to know the same information as the executive branch. We need to march in locked step to the Communist governments and say, we are coming to you together to demand answers and this time we are a people united. We must stop the divisiveness if we are ever to determine the fate of our men. Senator Kerry and I hope that this committee can earn—earn the public's confidence once and for all.

Many of them ask why are we conducting this investigation; there have been 10 or 11 past investigations, some executive, some congressional. In my opinion, this is not the 12th investigation, it is the first and the last. It is also the most comprehensive. We need to leave no lead uninvestigated. No stone unturned, as Senator Kerry said. Let me issue this challenge to all in the Government and any U.S. citizen or foreign national. If you believe you have information which may relate to missing American service personnel, bring it to this committee. As President Bush said this past August, if you have evidence, bring it forward.

While the other committees, commissions, and individuals that looked into this issue were well-intentioned, they were not all-encompassing. For example, the Montgomery Commission and the Woodcock Commission were conducted in the mid-1970's, long before the majority of boat people departed from Southeast Asia. Of course, those are refugees who provided a great deal of data. This committee intends to review that intelligence information, talk to some of those refugees, and examine the firsthand live sighting reports on American POW's from the war's end in 1973 until the present.

Over the next 13 months, this committee will focus first on the possibility of any live Americans still in Southeast Asia. Where are they, who are they, what happened to them, this is our priority. Make no mistake about it, live Americans. The issues of remains, crash sites, are all important, but it should be secondary to the matter of whether or not there are live Americans. During this week's hearings we will focus on where we are now and what can be done from here on, regarding the POW/MIA's. I believe we must look very closely at five areas. No. 1, information and intelligence, including more than 1,500 live sighting reports from our own Government, all available information from U.S. citizens, the reports on all other committee investigations and commissions, and the testimony and deposition of witnesses like Bobby Garwood, foreign nationals, refugees, former Government officials and family members.

To the intelligence community, I say this committee wants to know what you know, that is all. We want to know what you know and the American people are entitled to know that, and so is the Congress. During these hearings, I will extend an olive branch in one hand and ask for your cooperation. But in the other hand, I will have a club, and that is the subpoena power of this committee, and we will reluctantly use it if we have to.

No. 2, Vietnam. We need to challenge Vietnam to do more than just dribble out information and put the families on a rollercoaster ride. We need and hopefully we will get testimony from Vietnamese defectors, past and present Communist officials, and we need to test their credibility by taking them up on their offers to come look firsthand at their prisons and other locations where refugees say the POW's are or were being held.

No. 3, the Soviet Union. Recent news reports indicate there may be a Soviet connection with our American POW's and MIA's from the war in Vietnam. I would like to enter into the record an article from the L.A. Times Magazine of October 27, 1991 on the Soviet connection. In it, the author, Edward Tivnan, interviewed Soviet KGB and others, and reports that the Soviets were interrogating American POW's in Southeast Asia, both during and after the war, possibly as late as 1978. With the new spirit of openness in the Soviet Union, this is certainly an area that I and the committee intend to pursue. We will also be looking at China and how they have cooperated on the issue.

No. 4, historical analysis centered mainly on the Paris Peace Accords of 1973. There are many unanswered questions around the signing of those accords. Laos was not a party to the signing, yet prisoners were taken and held there. Additionally, we must investigate why we accepted the Vietnamese list of American POW's, which was shorter than the list the U.S. provided. We must investigate the discrepancy cases, personnel known to have been alive at the time of capture. There has never been a thorough investigation of the Paris Peace Accords, and it is time.

And last and perhaps most importantly, we must start focusing attention on Laos. We lost more than 500 Americans in Laos. Only nine were returned, and those were through Vietnam and Operation Homecoming. Laos never signed the accords and it raises very crucial questions like, what happened to the men captured by the Pathet Lao? There is a misguided perception that Vietnam is the only country that owes us an accounting. General Vessey has done a fine job as the President's special emissary to Hanoi, has focused very well on Vietnam but, unfortunately, Laos has virtually been ignored, except for a few crash site investigations.

Vietnam is not the only nation that owes the United States an explanation. The Defense Intelligence Agency in 1977 said there was evidence that the Pathet Lao held American prisoners during the war. In the case of Laos, I believe there was important evidence in the intelligence community confirming the existence of POW's in Laos during the war. There were also Lao statements that they held POW's even after the accords, and I have a whole list of press clippings and declassified cables which support that position. This committee must determine what happened in Laos. Some answers to the fate of POW's are in Laos, but many clues to what happened are in the intelligence community here, I believe.

In summary, Mr. Chairman, I believe we have to focus on these five points. Information, intelligence, the country of Vietnam, the country of the Soviet Union, the Paris Peace Accords, and Laos, if we are ever to see this issue resolved.

Let me close on this personal note. This has been a rollercoaster ride for those of us that have worked this issue, both in the Pentagon and in the Congress, and it has certainly been a rollercoaster ride for the family members. We have all taken our hits for it, and believe me, I am sensitive to that. Some have said quit, give it up, it is a no-win issue. I am a veteran of the Vietnam War, as several members of this committee are, and these are our comrades-in-arms too.

Capt. Red McDaniel, himself a former POW in Vietnam, said it best. I went to Vietnam prepared to fight, prepared to be wounded, prepared to be captured, even prepared to die, but I was not prepared to be abandoned. People have said there is no evidence about Americans left behind. Let me close by telling you what a Vietnam veteran once said to me, with tears in his eyes:

> I am an American who does not want to go to his deathbed without doing everything possible to convince people who can do something about it that there live Americans held in captivity in Vietnam, long after 1973. My life has been turned upside down because of my providing this information, but I am doing this to make

sure my conscience is clear on this issue. What I am suffering now is nothing compared to what those Americans must still be going through in Vietnam. I am not the last American to leave Vietnam.

Mr. Chairman, those words were spoken on August 2, 1991 by Robert Garwood, who came out of Vietnam in 1979. I am here today because I believe Robert Garwood. Thank you, Mr. Chairman.

[The prepared statement of Senator Smith follows:]

Prepared Statement of Senator Smith

As the sponsor of Senate Resolution 82 which established this committee, I would like to sincerely thank my colleagues and the American people who supported this effort to resolve the POW/MIA issue. I would, of course, like to thank Secretary Cheney for leading the witnesses today as we commence 3 days of hearings on the fate of our missing American service personnel. I also appreciate the forthcoming testimony of administration officials—past and present, veterans groups, families and other concerned Americans who will provide the committee valuable insight as we begin our investigation.

Also, I would like to thank Senator John Kerry, the distinguished committee chairman, for extending his hand in nonpartisanship, cooperation, and friendship as the committee begins its work. We are in this together and will do whatever it takes to find the truth.

As a Member of Congress, I have taken two trips to Vietnam and one to Korea to try to account for missing service personnel. Since beginning my involvement in the issue 7 years ago, I have spoken to countless refugees, witnesses, government officials, family members, and veterans. I know first-hand that the issue of unaccounted for U.S. personnel from past military conflicts continues to be complex and painful for many Americans. With over 88,000 U.S. personnel still missing from World War II, Korea, Vietnam, and other conflicts, this problem simply cannot go away. And it will never go away until the American public is satisfied that this government has done everything it reasonably can to find these lost warriors.

Why is this issue still with us? Obviously, the communist governments in Hanoi, Vientiane, Phnom Penh, Pyongyang, Moscow, and Beijing could provide the answers on the fate of many of these men, if they made the political decision to do so. However, the resolve to aggressively seek out these answers must come from Washington, DC.

The best way to alleviate the doubt and uncertainty of the American public is to get the truth. In a recent Wall Street Journal poll, 69% of those surveyed said they believe Americans are still being held in Southeast Asia, and three quarters of those say our government isn't doing enough to get them out. President Bush, like Presidents before him, has called this issue one of highest national priority, and I believe President Bush feels it should be the highest priority.

In spite of these statements, however, there are strong differences of opinion on this issue and there is much infighting. Congress fights with the executive branch on access to intelligence, outside groups fight with each other on strategy, the league of families criticizes some Members of Congress, veterans groups spar over their interests. *We ought to be ashamed of ourselves.* It cannot be the highest national priority to find our missing men until we make it a priority to work together to do it!

Perhaps it is nobody's fault, or perhaps it is everybody's fault. But the fact remains that we need to be together as a nation on the matter of accounting for our missing American personnel. If we are going to put it behind us once and for all, this committee needs to be a catalyst to bring all of the information together in one database. The American people, through their elected Representatives, need to know the same information as the executive branch. We need to march in lockstep to the communist governments and say: "We are coming to you together to demand answers, and this time we are a people united."

We must stop the divisiveness if we are ever to determine the fate of our POW's and MIA's. Senator Kerry and I hope that this committee can earn the public's confidence, once and for all.

Many have asked why we are conducting this investigation . . . that there have been 10 or 11 past investigations. In my opinion, this is not the twelfth investigation, it is the first and last. It is also the most comprehensive. We intend to leave no lead uninvestigated, no stone unturned. Let me issue this challenge to all in the government and any U.S. citizen or foreign national: If you believe you have information which may relate to missing American service personnel, bring it to this committee. As President Bush said this past August, "if you have evidence, bring it forward."

While the other committees, commissions and individuals that looked into the POW/MIA matter were well-intentioned, their scope was not all encompassing. For example, the Montgomery Commission and the Woodcock Commission were conducted in the mid-1970's, long before the majority of boat people departed from Southeast Asia. Of course, those refugees have provided a great deal of data. This committee intends to review that intelligence information, talk to many of those refugees, and examine the first-hand live sighting reports on American POW's from the war's end in 1973 to the present.

Over the next 13 months, this committee will focus *first* on the possibility of any live Americans still in Southeast Asia—where are they? Who are they? What happened to them? This is our priority: live Americans. The issues of remains, crash sites, etc. are important, but should be secondary to the matter of live Americans.

During this week's hearings, we will focus on where we are now and what can be done from here regarding POW's and MIA's. We need to look closely at five areas:

1. *Information and intelligence:* Including more than 1,500 first-hand live sighting reports, from our own government; all available information from U.S. citizens; the reports on all other committee investigations and commissions; and the testimony and depositions of witnesses, like Bobby Garwood, foreign nationals, refugees, former government officials and family members.

To the intelligence community I say: this committee wants to know what you know, and the American people are entitled to know. During these hearings I will extend an olive branch in one hand, asking for cooperation. But, in the other hand I will have a club. That is the subpeona power of this committee, and we will reluctantly use it if we have to.

2. *Vietnam:* We need to challenge Vietnam to do more than just dribble out information and put the families on a roller coaster ride. We need, and hopefully will get, testimony from Vietnamese defectors, past and present communist officials, and we need to test their credibility by taking them up on their offers to come look first hand at their prisons and other locations where refugees say POW's are being held.

3. *The Soviet Union:* Recent news reports indicate that there may be a Soviet connection with our American POW's and MIA's from the war in Vietnam. I would like to enter into the record an article from the Los Angeles Times magazine of October 27, 1991 on the Soviet connection. In it, the author, Edward Tivnan, interviewed Soviet KGB and others and reports that the Soviets were interrogating American POW's in Southeast Asia both during and after the war, possibly as late as 1978. With a new spirit of openness in the Soviet union, this is certainly an area I and the committee intend to pursue. We will also be looking at China and how they have cooperated on the issue.

4. *Historical analysis, centered mainly on Paris Peace Accords of 1973:* There are many unanswered questions surrounding the signing of the Paris Peace Accords. Laos was not a party to the signing, yet prisoners were taken and held there. Additionally, we must investigate why we accepted the Vietnamese list of American POW's, which was shorter than the list the U.S. provided; and we must investigate the discrepancy cases—personnel known to have been alive at the time of capture. There has never been a thorough investigation of the Paris Peace Accords, and it is time.

5. And, perhaps *most importantly. we must start focusing attention on Laos:* we lost more than 500 Americans in Laos and only nine were returned, and they were held by the North Vietnamese. Laos never signed the peace accords and it raises more crucial questions: What happened to the men captured by the Pathet Lao?

There is a misguided perception that Vietnam is the only country that owes us an accounting. General vessey, the President's Special Emissary to Hanoi, has focused on Vietnam. Unfortunately, Laos has virtually been ignored except for a few crash site investigations. Vietnam is *not the only nation that owes us an explanation.*

The Defense Intelliegence Agency, in 1977, said there was evidence that the Pathet Lao held American prisoners during the war. In the case of Laos, I believe there is important evidence in the intelligence community confirming the existence of POW's in Laos during the war.

There is important information which needs to be put on the record right now at the start of these hearings, and so I ask my colleagues and the Secretary to listen closely to just some of the facts I have collected in recent weeks.

Chronology: Reports of POW's in Laos

In 1968, Col. Soth Petrosy, then the permanent representative of the Pathet Lao in Vientiane, Laos, told a U.S. official that "pilots are generally kept near the area in which their plane is downed and therefore may be found throughout Laos from the south to the north."

In 1969, in a conversation with an MIA relative, Arthur Hesford, Soth Petrosy admitted that the Lao peoples liberation army had a list of prisoners missing in Laos, but that the list would not be made available while the bombing was going on. At that time, our U.S. Embassy in Laos confirmed that they had received the same information. Later that same year, another American, Ross Perot, was told by Soth Petrosy that they had "large numbers of prisoners." During this period, through our intelligence efforts, we obtained actual pictures of some of these POW's.

In May 1971, Petrosy again stated that the Pathet Lao were holding prisoners in various regions of Laos and that they were well treated. We then got hold of a November 1971 Pathet Lao document entitled "weekly bulletin containing photographs and details of American prisoners captured by the Pathet Lao."

In a 1972 interview, the Pathet Lao made a statement that "some tens of prisoners are presently being held." And in a subsequent interview, Petrosy stated "there are many American POW's held in liberated areas of Laos."

In April of that year, Petrosy stated that there were many U.S. POW's being held by the Pathet Lao, and that discussions concerning their return could begin when the U.S. ordered a total bombing halt. His exact quote was "we are willing to discuss the question of U.S. POW release if the American imperialists would order a total bombing halt and let alone the Laotians to solve their own internal problems. Soth said the POW's were detained in secure places inside various caves in northern Laos. He said, "although we regard them as criminals and air pirates, they are being treated humanely."

In an April 1972 interview with a Swedish correspondent, Prince Souphanouvong, who later became President of Laos when the Pathet Lao government was installed, stated:

"We have made public a concrete policy toward enemy soldiers or agents captured or giving themselves up, including GI's. All the American pilots engaged in bombings or toxic chemical sprays of Lao territory are considered criminals and enemies of the Lao people. But once captured, they have been treated in accordance with our humane policy. The question of enemy captives, including U.S. pilots, will be settled immediately after the U.S. stops its intervention and aggression in Laos first, and foremost, ends the bombing of Laos territory."

Some of the wives of the pilots came over and met with Petrosy, and he again told them that POW's downed in Laos were held in his country.

Then comes the Paris Peace Accords in early 1973. The lists turned over by the North Vietenamese included no information on the American POW's in Laos. Henry Kissinger had told a White House news conference that "American prisoners held in Laos and North Vietnam will be returned to us in Hanoi." The Pentagon reports that there are over 311 men missing in laos as well as 6 prisoners. The New York Times reported that U.S. officials believe the number of prisoners in Laos is substantially higher.

Also in 1973:

The Defense Department reports that the North Vietnamese lists were incomplete because they did not include American servicemen known to have been captured in Laos.

The League of Families reports that everything they had been told led them to believe there would be a list of POW's in Laos.

Congressman Sonny Montgomery (D-Miss.), expresses concern that many of the 311 MIA's in Laos should have turned up as prisoners.

On January 31, the State Department says, "we firmly expect to have a list of POW's to cover Laos.

Still no list.

Then, on February 17, 1973, the communist Pathet Lao states that they will not free American prisoners of war until there is a cease-fire in Laos. Soth Petrosy told United Press International (UPI), "if they were captured in Laos, they will be returned in Laos."

On February 22, the ceasefire agreement began. In the cease fire agreement, the Laotian Government and the Pathet Lao state "we take note of the declaration of the U.S. Government that it will contribute to healing the wounds of the war and to post-war reconstruction." As we now know, President Nixon had promised $4.75 billion in a letter to the North Vietnamese.

And on March 2, President Nixon states that he accepts and supports the Laotian agreement.

On March 25, U.S. officials state they have been unable to learn anything on the fate of an undetermined number of American prisoners of war in Laos. According to UPI, concern is mounting that the communists plan to hold them back as pawns. U.S. sources state that a substantial number of the missing, perhaps as many as 100, may still be alive accoring to intelligence reports.

On March 26, the North Vietnamese tell us that our demand for the release of POW's captured in Laos is "beyond the jurisdiction of the agreement."

On March 27, Bui Tin, chief spokesman for the North Vietnamese delegation, stated "the Pathet Lao have assured us that the American POW's they hold will be released" and that the Pathet Lao said they "are making preparations for the release. It is for this reason that we are insisting that the withdrawal of U.S. troops and the release of prisoners take place with no relation to the POW's held by the Pathet Lao," said Tin, who, incidentally will be testifying here on Thursday.

Nine POW's were released in Hanoi during this time, who were shot down in Laos, but none of them were held by the Pathet Lao. The Defense Intelligence Agency later confirms this, stating "all of these (9) individuals were captured in Laos, but all were captured by North Vietnamese soldiers, not Pathet Lao. One of these nine, Ernie Brace, stated to the press on April 2, 1973, "the Pathet Lao never held me."

Then a week later, the Pentagon's spokesman on POW's states that there are no more live American soldiers in Indochina, and that "rumors that there were U.S. servicemen still held in Laotian prison camps do the families of the missing a disservice."

In May 1973, the head of our joint casualty resolution center states that there is "no indication" that any Americans listed as missing in action in Southeast Asia are alive.

Where these statements came from, when the Pathet Lao had repeatedly stated they were holding prisoners, and our intelligence had confirmed this, is beyond comprehension. In fact, the possibility of the Pathet Lao returning U.S. POW's under their signed agreement with the Lao Government ended up being wide open under the agreement through June 1974. And yet prior to this date, we were already trying to declare the POW's as dead.

It is now 1991, and we still have made little to no progress in Laos regarding an accounting of these men. The boat people poured out of Laos by the hundreds in the late 1970's telling us the men were still there, but we discounted the information. To this day, we are receiving information on alleged POW's still in Laos. And yet our side and the Lao have only reached agreements resulting in a few crash site excavations. We never even proposed regular meetings with the Lao on this issue until 10 years after the war.

In summary, Mr. Chairman, I believe we must focus on these five points: Information and intelligence, the country of Vietnam, the Soviet Union, Paris Peace Accords, and the country of Laos, if we are ever to see this issue resolved.

Let me close on a personal note. This has been a roller coaster ride for those of us that have worked the issue in Congress and certainly for the family members. Some have said quit, give it up, it's a no-win issue. I am a veteran of the Vietnam war, as are several members of this committee. These are our comrades in arms. Capt. Red McDaniel, himself a former POW of the Vietnam war, said it best: "I went to Vietnam prepared to fight, prepared to be wounded, prepared to be captured, and even prepared to die . . . but I was not prepared to be abandoned."

People have said there's no evidence about Americans left behind. Let me close by telling you what a Vietnam veteran once said to me, with tears in his eyes: "I am an American who does not want to go to his deathbed without doing everything possible to convince people who can do something about it that there are live Americans held in captivity in Vietnam long after 1973. My life has been turned upside down because of my providing this information, but I am doing this to make sure my conscience is clear on this issue. What I am suffering now is nothing compared to what those Americans must Still be going through in Vietnam . . . *I am not the last American to leave Vietnam.*"

Mr. Chairman, those words were stated to me on August 2, 1991, by Robert Garwood, who came out of Vietnam in 1979. I am here today because I believe Robert Garwood.

The CHAIRMAN. Thank you very much, Senator Smith, and I also want to express my appreciation to you for your help in putting the committee together over the last weeks, and in hiring what I think both of us consider to be a very professional and competent staff. Mr. Secretary, as per the agreement, we will come back from the openings to the rest of the committee. We are delighted that you are here. Thank you for taking the time and we welcome your prepared statement, and subsequently some questions. Thank you.

Before we begin I have prepared statements from Senators McCain, Daschle, and Kassebaum.

[The prepared statements of Senators McCain, Daschle, and Kassebaum follow:]

Prepared Statement of Senator McCain

Mr. Chairman, this Committee is tasked with examining the question of what has become of Americans who were lost in service to their country's defense, and if our Government has expended every effort to determine their fate and return them to the United States. There have been four previous congressional investigations of the POW/MIA issue, as well as several other hearings by congressional committees on one or more aspects of the question. None of these investigations have resolved these questions to the satisfaction of the American people.

I welcome this new opportunity to pursue answers that the families of our POW/MIA's have every right to expect, and that the American people demand. With fairness, patience and determination we may arrive at those answers. I am pleased to participate in this worthy effort as a member of this Committee. And, like the other members, I am eager to begin.

I do not know if there are Americans in captivity in Southeast Asia. Until I have conclusive evidence one way or another, I will proceed on the assumption that there are. I repeat: I assume that there are live POW/MIA's in Southeast Asia until we have the fullest possible accounting for them.

I look forward to the testimony of our witnesses in the hope that the information they provide us will greatly help the Committee make informed judgments about the questions we are investigating. I strongly recommend that the Committee pay particularly close attention to the testimony of Gen. John Vessey. He has labored mightily to produce the fullest possible accounting of our POW/MIA's. He is as decent and capable a public servant as has ever served this country. No one is in a better position to measure our progress toward a full accounting.

In the course of our investigations we are obligated to examine several general questions. First, to secure the answers we seek we will have to look further than our own Government. Most of the answers we seek are not in Washington. They are in Southeast Asia. The Committee must examine closely the level of cooperation we have received from those countries.

For most of the years since the end of the war that cooperation was either nonexistent or minimal. Every so often a visiting American might receive a few sets of remains from Hanoi, which only tended to support credible evidence that Vietnam was warehousing American remains. In Laos, the progress of accounting for our missing servicemen has been so slow, the number of remains returned so few, that it has raised legitimate questions about the veracity of Lao officials on all the questions related to this issue.

What are the reasons for grudging or withheld cooperation? Why prevent timely investigations of live sighting reports? Why the past refusal to share archival and other information that has direct bearing on many unresolved cases? Why warehouse remains? Do they have motives for keeping live prisoners? What evidence is there of continued bad faith? These are but some of the many questions before this Committee.

But this Committee must also recognize evidence of increasing cooperation from the governments of IndoChina, and determine how best to encourage its continuation. Thanks to the diligence of General Vessey, we now have a permanent U.S. POW/MIA office in Hanoi. Thanks to his diplomacy, the personnel of that office have received unprecedented cooperation from the Vietnamese. They have conducted investigations of live sighting reports. They have had considerable access to Vietnam's war archives. During the 14th joint activity in Vietnam, concluded last August, one of our teams matched more documents to more POW/MIA cases than was achieved in all 13 of the previous iterations.

A Vietnamese official recently promised to provide our Hanoi office with information the U.S. has long sought on Vietnam's anti-aircraft operations during the war.

These records could prove enormously helpful in determining the fate of crew members of downed U.S. aircraft. On our part, the U.S. should continue supplying Hanoi with information we possess about our aircraft losses which may expedite the resolution of POW/MIA cases.

Certainly, much more cooperation from Hanoi, Phnom Penh, and Vientiane is necessary before we are satisfied that they are now acting in good faith. But the expanded cooperation that was achieved in Vietnam through the industry and commitment of many talented U.S. officials is encouraging. And it serves to illustrate where the answers are, and how best we can learn them.

Second, this Committee must examine the practices of U.S. personnel charged with analyzing and acting on evidence of live Americans to ascertain whether they have thoroughly investigated such evidence.

A dedicated officer of unassailable heroism, Colonel Mike Peck, has alleged that there is in the U.S. Government a "mindset to debunk" live sighting reports. That charge must be addressed seriously. Many Americans are concerned that the Government has not acted on information concerning our POW/MIAs as expeditiously and as thoroughly as a national priority requires.

During the course of the Committee's review of those efforts, the Committee and the public may find some fault with the Government's follow-up of live sighting reports. If so, identification of those failings will be the first step toward correcting them and restoring public confidence.

If mistakes in Government policies and their implementation have impeded a fair resolution of this matter and contributed to the decline of public confidence, the Committee should recommend appropriate steps to remedy these mistakes, including operational and personnel changes if necessary.

As we examine possible mistakes made by U.S. officials, I hope we will also take note of their successes, and, more importantly, support those efforts which have proven successful.

Finally, as this Committee is obligated to review evidence of live Americans, so are we obligated to investigate the abundant evidence of hoaxes that have been perpetrated against POW/MIA families, the U.S. Government and the American people.

Literally thousands of scams have been conducted, most for profit, but some simply to prime the pump of public interest in the POW/MIA issue by fabricating or distorting evidence of live Americans. From foreign nationals who offer spurious information in exchange for residency in the U.S. to practiced con artists who bilk money from grieving families with the false promise of the subsequent release of their loved ones, all these criminals have plied their reprehensible trade from before the U.S. left Vietnam until the present.

Most, though not all, of the photographs that were released to the media last summer have been proven to be hoaxes. Some of those pictures were reported to be of Navy Lt. Daniel Borah. As it turns out, they are photographs of a 66 year old Eurasian living in Laos. He was approached in June 1990 by a stranger who claimed to be a rice trader and asked to pose for pictures. Those pictures, which I have copies of here, subsequently turned up in the U.S. media. Following their public dissemination, copies of the photos were made available to DIA.

Once DIA obtained the copies, U.S. officials traveled to Laos in search of the subject of the pictures. With the cooperation of Lao officials, the U.S. team managed to locate the individual, who they then interviewed, fingerprinted and photographed. I have copies of those photographs as well. As my colleagues can plainly see they are indeed pictures of the man who was reported to be Lt. Borah. They are also clearly pictures of an elderly Asian gentleman.

The individuals responsible for this hoax and others have brought great anguish to the families of our POW/MIA's. Anyone who trades false hopes and misery for money or publicity deserves to be punished to the fullest extent of the law. This Committee will provide a valuable service to the families and the country if we can hasten the day of reckoning for these criminals.

In closing, let me say that we have a great distance to travel before we resolve the uncertainties over the fate of our missing servicemen. The issue has painfully lingered in the hearts of us all. But this should not be a question that divides us. It should be the one question in our national affairs that firmly unites every single American. I think this Committee can help unite us, and I look forward to working with my colleagues toward that end.

Prepared Statement of Senator Daschle

This week, the Committee convenes hearings that represent, I believe, a bittersweet victory for the family members, friends, and fellow veterans of the 2,273 Americans who remain unaccounted for following the Vietnam War. This year-long investigation is a positive response to the unanswered questions remaining today, almost 20 years after the war's end. I am looking forward to an investigation that is both comprehensive and responsive. I plan to see that the Committee is a constructive force that can bring some measure of peace to the thousands of family members who have anguished over the troubling questions and allegations about the government's handling of the issue and its efforts to bring our soldiers home.

The hearings we embark upon this week are remarkable in their scope, sincerity, and intentions. Never before has this type of in-depth investigation been conducted. I am certain there is no member of this Committee today that does not want this inquiry into the POW-MIA issue to be the last. We want to do this right. And I know that the Chairman of the Committee shares my view that the process should be as open and as comprehensive as possible.

I do not have a long, detailed statement at this point because I am entering this investigation with an open mind and genuine desire for the truth. I have not been involved in previous investigations and do not carry any preconceived notions of what we will find and where we will end up. I only know that we have agreed to investigate every aspect of this matter that is practicable. I look forward to hearing the detailed testimony of the Defense Intelligence Agency and the Joint Casualty Resolution Center. I am pleased that the veterans' groups will be testifying, as well as groups and individuals who have continued to press for a full accounting of the men who remain unaccounted for.

However, I am especially pleased that we have the family members here to give the Committee a firsthand account of how they feel they have been treated, what they believe about their husbands, fathers and brothers, and how this issue, in their minds, can be best addressed. Because if there is one group involved in this process that should command our attention, it is those families.

I thank everyone for their time and cooperation today, and I look forward to the upcoming year.

Prepared Statement of Senator Kassebaum

Mr. Chairman, we have a very difficult task before us. We have been established as a committee to help resolve the unanswered questions of the over 2,000 American servicemen who still remain unaccounted for from the Vietnam war. This is not the first time a congressional committee has tried to resolve this issue. But hopefully, Mr. Chairman, this committee will be successful in playing an important role in helping to answer the many outstanding questions and in helping to restore credibility and confidence among the American people in our government's efforts.

I know all of us believe very strongly that this committee must work on the assumption that there are live Americans in Southeast Asia. Any assumption less than that would not truly reflect the concerns of the POW/MIA families and the American people. Any assumption less than that would add no more confidence to a process already seriously doubted for its commitment.

I believe, Mr. Chairman, there are several questions that we must address in our efforts. First and foremost, we must look to the region, evaluate what efforts have been taken in the past and what efforts need to be pursued in order to have our American servicemen accounted for. We must also look at our process here at home and understand fully why it lost the confidence of the American people and what needs to be done in the future to restore that confidence. And, last Mr. Chairman, we must also look closely at those private groups that have been involved in profiteering from this issue at the expense of the emotional well being of the families involved.

In order to pursue our task properly, it is essential that we on this committee work together in a bipartisan and open manner. I believe we are prepared to do that. I also believe that the administration recognizes the importance of cooperation with us on this issue. Furthermore, it is critical that the private groups that have been involved with this issue approach our investigation openly and with a sense of confidence that we are here to work with them on this very tragic issue, not against them.

While there have been other congressional investigations over the years on POW–MIA's, I do believe that the time may be ripe for real progress. The end of the Cold War and the collapse of Vietnam's strongest ally, the Soviet Union, may help us in our task to resolve this issue with the Vietnamese. General Vessey's efforts particularly over the past year have resulted in real movement on POW's–MIA's. It is just a start, but certainly a positive one that we hope will continue and that this committee will be able to build on.

STATEMENT OF RICHARD CHENEY, SECRETARY OF DEFENSE

Secretary CHENEY. Thank you very much, Mr. Chairman, members of the committee. I am pleased to have the opportunity today to appear before the Select Committee to reaffirm the commitment of the U.S. Government, and especially the Department of Defense, to account as fully as possible for American prisoners of war and Americans missing in action, or otherwise unaccounted for.

Mr. Chairman, the committee meets at a time of increased public attention to the fate of our POW's and MIA's in Southeast Asia. I welcome and encourage the spotlight on this matter of the utmost national importance. I can think of no subject that stirs more emotion or generates more frustration and controversy than the subject of POW's and MIA's, especially those lost during the war in Southeast Asia.

The fact that there were thousands unaccounted for in previous wars does not make it any easier to accept the fact that nearly 19 years after active U.S. participation in the Vietnam War ended, we still do not have a full accounting of all of those lost in combat. Eight months ago, when we defeated Iraqi forces in the Gulf, we were able to account for all of our people, even those lost behind enemy lines. That achievement is one of the legacies of our concern for our missing in Indochina.

In turn, our success in the Gulf generated a renewed national attention and commitment to achieve the fullest possible accounting for those lost in Southeast Asia. Might I, on a side note to Mr. Chairman and Senator Smith, say in regard to the newspaper story this morning, Senator, that the reason there has been discussion of friendly fire is because the Department of Defense has been totally forthcoming on the subject. We have done a thorough job of investigating every single incident in which we took casualties in the Gulf, and we have identified those circumstances in which our people were tragically killed as a result of friendly fire. We have notified the families of the circumstances surrounding the death of those servicemen and women, and we made the information public. To my knowledge, that is the first time in history this Department of Defense or any other Government military department has gone to that extent to level with the American people.

We clearly would welcome any contributions that the committee may make in shedding additional light on this important issue. And I want to assure you, Mr. Chairman and members of the committee, that I support fully your efforts and that the Department of Defense will make any of its experts in the field available to the committee to address specific questions you may have. It is our intense desire to cooperate to the fullest extent possible. Accounting for our missing in Indochina remains a deeply personal commitment for the President and for me. I am the first Defense Secretary to come before Congress to testify exclusively on the subject of POW/MIA affairs.

This is an indication of the importance that I and the administration attach to this crucial issue. Under the President's leadership, we have pressed harder than ever before to find answers to the difficult questions this search entails. Today, I can tell you that although many questions remain unanswered, the administration has made some significant breakthroughs in a number of important areas, some of them referred to by Senator Kerry. First, as a result of General Vessey's outstanding efforts as the Special Presidential Emissary to Hanoi for POW/MIA Affairs, we have opened an office in Hanoi, and are conducting in-country joint field operations. This has enabled us to carry out investigations on the scene, enhancing our ability to get the answers to the questions that we need.

Second, as shifts within the Communist world will open new avenues for our search, we have carried out the first joint investigations ever held within Cambodia, and worked for increased cooperation with officials in Laos. Third, to take advantage of the new information available to us, I have ordered that 88 additional personnel be assigned full-time to augment our field staff. I have also authorized the creation of a new position in the senior Pentagon ranks of Deputy Assistant Secretary of Defense for POW/MIA Affairs. With the new staff of this office, our efforts will have been augmented by an addition of 102 personnel in the last few months.

The effort to account as fully as possible for POW's and MIA's is not an easy one. Our most urgent requirement is to determine whether any Americans remain captive in Southeast Asia, and if so, to return them to the United States. The issue of live prisoners has been at the forefront of our intelligence effort and our negotiations with the governments of Indochina. The governments of Indochina have consistently denied holding any Americans. We do not accept their denials as the last word. We intend to keep the pressure on. President Bush has pledged decisive action to return any American should such evidence be obtained. I make that pledge to you again today.

In recent months, questions have been raised regarding the Department's efforts to resolve the POW/MIA issue. As this committee can well appreciate, no American official would spare any effort that might lead to the discovery of a single American prisoner of war. It is unthinkable that any American serviceman or woman would fail to come to the aid of a lost comrade. Anyone who knowingly withholds or conceals information that could lead to the recovery of a captured American serviceman would deserve the most severe punishment possible, but I must say, I have difficulty imagining why anyone would do such a thing. Everyone I know would be thrilled to learn that one of their comrades is still alive and that we have a chance to get them back.

In fact, countless men and women in uniform and in civilian life have devoted long hours, great skill, and high hopes to the search to account for Americans who did not return from Southeast Asia. As professionals, as members of the armed forces, many of who served during the Vietnam conflict, and as Americans, they have not needed to be told how important their mission is. They have had clear marching orders from the members of the administration, and the POW/MIA effort has our fullest support. I regret the burden that families have borne through these long years of uncertainty and loss, and I condemn the cruelty of the fast-buck operators who have played on their hopes and have contributed to their suffering. All Americans can be assured that the issue of prisoners of war and missing in action has the attention of the members of my Department, as well as our hearts. As you can well imagine, it is a subject that continues to haunt the men and women in uniform who served in Vietnam, Laos, and Cambodia.

We have a special obligation to those who gave of themselves in the service to the Nation, to their families, and to those who will be asked to serve in future conflicts to do everything in our power to obtain the fullest possible accounting.

Mr. Chairman, later today and in the weeks ahead, you will hear from a number of officials who are far more knowledgeable than I about the details of our procedures and about individual cases. I want to take this opportunity this morning to give you my perspective as Secretary of Defense on the overall progress of the issue of POW's and MIA's, and what we are doing to achieve the fullest possible accounting.

I would like to spend a few minutes, first of all, to explain how we approach the important issue of whether Americans remain captive in Indochina. To date, we have no conclusive evidence proving that Americans are being held against their will in Indochina. Nonetheless, the importance of this issue makes investigating live sighting reports our first priority.

The Defense Intelligence Agency has the primary responsibility for investigating and analyzing live sighting reports received by our teams in Southeast Asia. Reports come from many sources, but our investigators solicit potential sources of information from among the thousands of refugees leaving Vietnam, legal travelers who have recently been in the region, and others who may have been in a position to observe.

In many cases, individuals with information seek out our representatives in Bangkok. Regardless of how the information is received, the procedure for investigating them remains the same. Upon receipt, live sighting reports are examined to determine if the geographic location of the sighting, the time and circumstance of the sighting, and the details provided correlate to a known missing American. Related data is retrieved from DIA's extensive casualty source and camp files, and the information is compared to what is available in the report.

All files of losses or known incidents of capture or imprisonment in proximity to the location reported are reviewed for possible correlation, as are all files of all missing individuals whose time and location of loss generally relate to the given report. Based on these findings, a preliminary determination is made regarding whether descriptive details provided by the source correlate to any missing Americans. If the information is judged to possibly relate to a POW or MIA, it is actively pursued by all available means.

The full range of United States intelligence assets are used to collect information relating to reports of live sightings of Americans in Indochina. Continued collection efforts are taken until we are able to reach a conclusion about the report. A live sighting report continues to be pursued on the assumption that it is accurate until it has been determined that the evidence is clear and convincing that the individual described is not a POW, or unless an analysis indicates that the report is clearly a fabrication. If either of these judgments is reached, DIA's analysis is then subject to the scrutiny of an interagency review panel before the report is considered resolved.

The panel consists of representatives from the Central Intelligence Agency, the State Department, the Office of the Secretary of Defense, the Joint Chiefs of Staff, and the Defense Intelligence Agency. Upon concurrence by the review panel, the remains in the DIA database where it is available for review by analysts working independently on other live sighting reports. Should the review panel not concur, the report is considered unresolved, and additional collection efforts and analysis are undertaken in order to resolve the questions remaining.

To date, the Department of Defense has received 1,519 firsthand live sighting reports. 1,037 of these reports have been correlated to Americans that have been accounted for, such as prisoners of war returned at Operation Homecoming, missionaries, or civilians jailed at various times for violations of Vietnamese codes. In fact, almost 300 of these resolved reports have been correlated to Private Robert Garwood, who returned from Vietnam in 1979. Of the remaining reports, 373 have been determined to be fabrications, leaving 109 reports under active investigation—that is, 109 reports out of 1,519 original live sighting reports have not been resolved or accounted for. These reports are the focus of our analytical and collection efforts. We have a live sighting investigator now on the staff of our Hanoi office, and we will insist that he be granted free access by the Vietnamese to carry out his duties.

To date, we have not yet reached complete agreement with the Vietnamese on the modalities of investigating live sightings in Vietnam. We again raised this issue in a meeting in Hanoi last week, and it appears that there is still more work to be done before the Vietnamese grant permission for our investigator to travel freely. It is our intent to press this issue to the fullest until we are granted full and free access. I am sure General Vessey can provide you additional information.

As I noted earlier, investigating live sighting reports will continue to be our first priority. We will dedicate all resources necessary to support this vital requirement just as we have with the photographs that have appeared prominently in the media this past summer.

We will not be satisfied until we are absolutely certain that every last case that can be resolved is resolved. The organization of our POW/MIA effort is one of the most important ways we sharpen our focus on the issue. Later, during these hearings, Major General Christmas, the Pacific Command Director for Operations, will outline what we have done to focus and expand our field of investigation through a new joint task force in our Pacific command, but today, let me briefly describe the concept for the plan. We will apply the military assets and the personnel available in the U.S. Pacific Command to address the POW/MIA issue in much the same way that we organized ourselves to deal with, under Central Command, with the situation in the Persian Gulf last year.

Proceeding from a two-tiered approach, we will investigate discrepancy cases and last known alive cases on a full-time basis with an expanded Hanoi office staff. We will continue to bring in teams of investigators from Hawaii to support the activities of the Hanoi office and to investigate systematically the cases within particular geographic regions. The joint task force approach, we believe, promises to bring a new intensity to our on-scene operations. We have the staff and the expertise available to move forward as quickly as the Indochinese governments will allow.

The end of the Cold War, the collapse of the Communist Party in the Soviet Union, and economic difficulties in China have been significant factors in changing attitudes and in opening new avenues for progress in POW/MIA affairs in Southeast Asia. These developments remove support from Southeast Asian Communist regimes, forcing them to seek cooperation from other sources, of economic assistance. They are turning to the West and especially to the United States. This has opened new opportunities for us in recent months in three countries; Vietnam, Laos, and Cambodia.

Let me say just a word about General Vessey's activities. Over the past year, the Vietnamese have demonstrated increasing levels of cooperation in resolving the fate of Americans missing in Indochina. General Vessey, the former chairman of the Joint Chiefs of Staff and now, the special presidential emissary to Hanoi for POW/MIA affairs, has been especially persistent in pushing for greater access. In April, he led an interagency delegation to meet with the Vietnamese Foreign Minister. At that meeting, General Vessey and the Foreign Minister agreed to establish a POW/MIA office in Hanoi that would conduct in-country investigations of reported firsthand live sightings, research historical records, conduct forensic review of jointly or unilaterally recovered remains, and conduct advance planning and execute joint field operations.

On July 8 of this year, the U.S. POW/MIA office opened in Hanoi with an initial staff of five. Initially, we indicated that the office was temporary in order to provide time to assess its value. It is our judgment that so far, the office is a success, providing a ready point of contact with the Vietnamese and increasing communication between their officials and American POW/MIA specialists. We have indicated to the Vietnamese that we want to change its status to permanent. This will permit us to increase the staff and expand its operational role.

Since 1987, our efforts in Vietnam have focused on the investigation of 119 illustrative discrepancy cases which General Vessey presented the Vietnamese in 1987 and 1989. These are cases in which we believe the individuals survived his incident of loss and for whom the Vietnamese should be able to provide some information. In some cases, these individuals were listed as prisoners of war, but did not return at Operation Homecoming in 1973 when U.S. prisoners were repatriated by the Vietnamese. In other cases, these individuals were last known alive on the ground, or were in communication with friendly forces and in imminent danger of capture. We believe the Vietnamese should be able to provide additional information on the fate of these individuals, or to otherwise account for them.

These discrepancy cases represent individuals that, in our judgment, based upon the incident of loss, are among the most likely to still be alive. That is not to say that other individuals in other cases could not also be alive, but rather in prioritizing our efforts, we selected the cases of individuals we believed the most likely were alive when they fell into the hands of the Vietnamese. Therefore, if we can resolve the discrepancy cases, and cases of individuals last known to have been alive, we will be able to shed important light on the question of whether or not Americans remain in captivity in Indochina. Sadly, to date, we have not been able to locate any live Americans. However, we have been able to reach the judgment that 56 of the individuals who comprise the 119 discrepancy cases provided to the Vietnamese are, in fact, dead.

In September, we completed the 14th joint United States/Vietnam field investigation of last known alive discrepancy cases. This joint investigation was our most ambitious effort to date, and Vietnam's preparations and cooperation were improvements over past field investigations. Of significance, the Vietnamese allowed our resident researcher access to contemporaneous wartime documents that address the specific incidents of several previously unaccounted-for Americans. As a result of these efforts, we believe that we may be able to confirm the death of several additional individuals. We are hopeful that the Vietnamese will provide access to similar records for other wartime military regions.

If I may, I would like to explain briefly how these investigations work. In all cases, our investigations begin with the assumption that a missing serviceman or civilian is alive. First, we identify the cases we would like to investigate jointly with the Vietnamese, as I have indicated previously. The DIA and Joint Casualty Resolution Center then prepare case files of information for presentation to Vietnam specialists. The records are detailed explanations of the incident of loss, biographic data, search and rescue efforts, and other information that will assist the Vietnamese and U.S. investigators in focusing on a particular case.

We then ask the Vietnamese to independently check their records to locate any information they may have in their records and archives, to locate eyewitnesses, if any, and military personnel or veterans who may have participated in the action, so that our teams may interview them. After the Vietnamese carry out these preliminary investigative activities, we send in our teams, consisting of records researchers, interviewers, and linguists to question witnesses and to examine documents. If we can locate the crash site, we may survey it. All of this information is compiled and a report is prepared and submitted to the Joint Casualty Resolution Center and Defense Intelligence Agency for analysis of the data received.

The information is then correlated to the information within our files, and analytic judgments reached. In some cases, we make a determination that further investigation is required that may involve further records research and witness interview, or may involve crash site survey and excavation. So far there have been 14 of these investigations since 1988, and another is scheduled to begin later this month. We go wherever the evidence leads and conduct as exhaustive an investigation as possible to determine the fate of the individual involved.

Vietnamese cooperation on these joint investigations has improved, but despite these improvements, we are still not satisfied with Vietnam's performance. Vietnamese officials could do much more to assist our efforts. Too often, our office finds that public pronouncements of increased cooperation by Hanoi do not produce satisfactory arrangements on the ground. Promises to cooperate on live sightings, improved helicopter transportation, and complete access to historical records remain only partially fulfilled. Vietnam's foot-dragging on unilateral repatriation of remains is especially frustrating, especially if we ever hope to achieve the fullest possible accounting in a reasonable period of time, Vietnamese unilateral efforts, as well as their participation in joint activities will have to dramatically improve.

As I will discuss later in more detail, we intend to have the capability in hand to move as rapidly as possible, as cooperation by the Governments of Vietnam, Laos, and Cambodia will permit. To date, we have accounted for only 22 sets of remains of the 119 discrepancy cases presented to the Vietnamese and jointly investigated. While we believe that we can confirm the death of an additional 35 unaccounted-for Americans since we started this process, we have not been able to account for them by the return of their remains. Obviously, results are slow in coming.

I want to support the statement by my colleague, Jim Baker, that the pace and scope of normalizing relations with Vietnam will depend upon the extent of cooperation by the Vietnamese on POW/MIA matters. The Department of Defense firmly supports the road map that describes the steps Vietnam must take and measures we will take in response before we will be ready to perform normalization of relations. I can assure you that we will be rigorous in our judgment about whether Vietnam is adequately complying. We will not be deterred from our goal of achieving the fullest possible accounting for our servicemen and civilians missing in action in Vietnam.

Some of the most vexing questions remaining from the Vietnam War relate to the unaccounted-for in Laos. Of the 528 Americans who remain unaccounted-for in Laos, 335 are in the category of POW or MIA, most of those in the MIA category. At Operation Homecoming, only nine Americans captured in Laos returned as POW's. It is important to realize that approximately three-quarters of the Americans unaccounted-for in Laos were lost in areas controlled by the People's Army of Vietnam. Despite that fact, we continue to press the Lao for answers regarding the fates of Americans who were captured by the Pathet Lao. Only one American held by the Pathet Lao, Emmet Kay, was released by them and returned from captivity. A second Pathet Lao prisoner, Dieter Dengler, did escape successfully.

Earlier this year, we conducted the first joint investigations of discrepancy cases involving Americans last known to be in Pathet Lao hands. Shortly thereafter, in May of this year, the U.S. and Laos agreed to an expanded plan for increased joint cooperation on POW/MIA and other humanitarian issues for the rest of 1991. Activities agreed upon include a further joint investigation of discrepancy cases, small scale joint surveys and recoveries, and joint crash site excavations.

So far, we have conducted the first three activities under the expanded program in response to Lao humanitarian concerns. The

Department of Defense and U.S. Pacific Command have provided Title X humanitarian assistance to the Lao. The Department of Defense has furnished nearly 100 tons of excess medical supplies in three separate shipments over the past year.

Additionally, the U.S. Army Corps of Engineers has completed construction of a small five-room school house early this year in Savannakhet Province. Finally, during September, we conducted a medical civic action program exercise with the Lao, sending U.S. doctors, nurses, and medical technicians to assist the Lao in training their medical specialists in a remote northern village in which we would like to conduct POW/MIA investigations later this year or early next year. These humanitarian assistance projects will, hopefully, assist our investigators in obtaining Lao cooperation at the province and the village level.

While we have undertaken a year-round plan with the Lao, actual cooperation on the ground has not yet fully succeeded in implementing the promised schedules. For example, we have had to delay a field activity scheduled to start late this week until the Lao repair the helicopter that they had planned to dedicate to the mission.

The lack of helicopters continues to be the most pressing operational problem in Laos. The Soviet helicopters and the Lao inventory are dangerous and operationally degraded. Nonetheless, we continue to use them in joint operations in that country.

In the past, the Lao have rejected our proposals to let us fly U.S. military helicopters for casualty resolution efforts in that country. We have made alternative proposals, to include the lease-back of U.S.-made helicopters operated by commercial concerns in Laos. To date, the Lao have made no commitments on these overtures, but we are continuing to work with them to try to solve this problem.

We believe that Lao shortcomings are more a function of limited resources and capabilities than a lack of commitment. In fact, they have been very cooperative on urgent investigations such as the purported Borah photograph. We have two major field operations planned before the end of this year, and I am hopeful that implementation will continue to improve rapidly and enable both countries to get back on track.

As I said approximately three-quarters of the losses in Laos occurred in areas under the control of Vietnamese forces during the war. Accounting for Americans lost in such areas must be a trilateral effort between the Lao, the Vietnamese, and the United States. While field operations inside Laos will necessarily be bilateral U.S.-Lao activities, the success of such efforts will largely depend upon U.S.-Vietnam cooperation.

The historic records and documents required must come from the Vietnamese. Field cooperation on the border cases requires the assistance of both the Lao and the Vietnamese. We have proposed trilateral talks in December with the Lao and Vietnamese to develop a methodology for addressing these cases.

With respect to Cambodia, Phnom Penh has recently begun to cooperate with us in accounting for Americans missing in Cambodia. Since July, three investigative teams have traveled to Cambodia to follow up on the photographs alleged to be of live American

POW's. Their cooperation assisted our specialists in tracking down a number of what proved to be fraudulent photographs.

Since July, we have also conducted two technical meetings with the Cambodians, the first such activity since Phnom Penh fell in 1975. Phnom Penh officials have also unilaterally returned remains that we hope to be an American unaccounted for from the 1975 Mayaguez incident. We are hopeful that their cooperation will continue to improve.

As the committee is aware, there have been a number of photographs that have surfaced in the media and which have been identified by family members as MIA's from the Vietnam War. We take each identification seriously, and we will use our full resources to answer the questions raised by these photos.

I would like to briefly give you a status report. First of all, of course, is the case of Colonel Robertson of the U.S. Air Force and Lieutenant Commander Stevens of the Navy and Major Lundy of the U.S. Air Force. Our photographic experts have concluded that the picture said to depict Colonel Robertson, Commander Stevens, and Major Lundy, has been altered.

The handwriting on the altered photograph and the method of alteration are both similar to changes made to five other photographs said to be prisoners of war. The other five photographs are all fraudulent. We found the originals in Eastern Bloc magazines in Phnom Penh, Cambodia.

These other photographs do not show American prisoners of war. They depict a Soviet baker, military advisors, and workers. One of the sources of this photograph has also passed to our investigators fake POW photos in the past. To complicate the investigation, no one has claimed to have seen any of the individuals pictured.

Further, a second picture allegedly depicting Lieutenant Commander Stevens was provided by the same source that originally obtained the faked Borah photograph. Subsequent reporting from Sandia National Laboratories is inconclusive in that it fails to verify that this is Lieutenant Commander Stevens.

The associated reporting accompanying the three-person photo, except for limited biographic data which was widely circulated by POW/MIA activists in Southeast Asia, has also proven false. The identifications by the families are the only positive information we currently possess. We are continuing our investigation, however.

The information available to us strongly suggests that two of the individuals allegedly pictured perished at the time of their loss incidents. In the absence of additional reporting we may not be able to resolve this case.

A photograph taken in Laos surfaced earlier this year that was identified by family members as Lieut. Daniel Borah of the U.S. Navy. In addition, a nongovernment forensic anthropologist positively identified the person in the photo as Lieutenant Borah.

With the help of Laotian officials our investigators were able to locate the individual in the photograph, who turned out to be a 77-year-old Lao highland tribesman. The man was interviewed, photographed, and fingerprinted. He identified himself in the photo, as did a second individual who also appeared in the picture.

Family members who want to see the tribesman for themselves will leave in a few days for Southeast Asia. They will be accompanied by our investigator who first interviewed and photographed the man in Laos so they can satisfy themselves with respect to this case.

The case of Capt. Donald G. Carr, U.S. Army, is quite compelling because of the remarkable likeness between the 1989–90 photograph we obtained from retired Air Force Lieut. Col. Jack Bailey and Captain Carr's wedding picture taken several years before. In order to pursue this case, we need more current and precise information, particularly concerning the location of the individual in the photograph.

I personally met with Colonel Bailey on October 8 at the request of several Members of Congress, and during the meeting Colonel Bailey promised he would give our investigators access to his sources and introduce us to the individual who took the photograph. Accordingly, I despatched a Department of Defense team to accompany Colonel Bailey to Southeast Asia.

Unfortunately, after a week in Bangkok Colonel Bailey was unable to provide the access or the information that he had promised. After the team arrived in Bangkok, he also disclosed that the photograph, instead of having been taken in Laos as he previously indicated, may actually have been taken in Burma or Thailand. Despite this set-back we continue to apply all of our available resources to locating the individual pictured in the photograph.

I have already alluded to some of the recent experiences we have had with outright fraudulent claims. Let me elaborate to make it clear what we are up against and what the committee is up against. I know I join all of you in condemning the cruel action by some fast operators who play on the hopes of families and friends of POW's and MIA's. They doctor old pictures or forge documents only to make a quick buck.

The worst of these individuals traffic in reports obtained from unnamed sources in Southeast Asia, invite publicity to their claims of live Americans, promise great results, and often seek to raise money to keep their efforts going. It is also common practice for them to claim that their information is proof positive of Government ineptitude and cover-up. In the process they raise the expectations of the families desperate for any sign that a loved one is still alive. Unfortunately, when we investigate their claims we find no Americans, only unsubstantiated hearsay accounts and too often signs of deceit and fabrication.

In August, at the request of a Member of Congress, I agreed to provide an aircraft to take a Senate staff member and an individual purporting to have "hot" information on live Americans to Southeast Asia to follow up on his information. I was told in a meeting in my office that a particular source in Bangkok could tell us where live Americans are being held in Laos. I also provided several experts to go along on the trip, including a polygraph team.

This individual subsequently provided the Senate staffer with his source. The source was polygraphed and flunked. The only thing he apparently did not lie about was his name. The same person was also involved to some extent in the fake Borah photographs.

We must naturally pursue every lead that comes our way, but each time we rush to answer these false alarms our resources are diverted from solid leads and productive lines of inquiry. Individuals who repeatedly provide false information, well-intentioned or not, should be called to account for their actions.

In addition to our efforts in Indochina, we recognize there are 8,177 Americans unaccounted for from the Korean War and others missing as a result of Cold War incidents. Accounting for these men is also of concern. We will continue to press the appropriate Governments for the fullest possible accounting.

The North Koreans hold the answers to these 8,177 Americans, including 389 initially classified by their services as prisoners of war. Negotiations with the North Koreans on this subject have been conducted by the United Nations Command Military Armistice Commission. The UNCMAC acts on behalf of all 16 nations, as well as the Republic of Korea, whose men fought and died in defense of freedom in Korea.

The North Koreans have proved unwilling to cooperate fully with the UNCMAC, preferring instead to have occasional discussions with our embassy officials in Beijing and to use congressional delegations to return a small number of American remains to U.S. control. With the help of Senator Smith, who has met with officials of the North Korean Government, both at the United Nations and Panmunjom, we are pursuing an alternative approach that holds promise for future cooperation.

In the past year we have made several approaches to the Soviets to investigate whether they possess information on Americans lost in Cold War aircraft incidents. In some of these cases our information suggests that crew members may have survived their incident of loss. The Soviets, however, have repeatedly denied any knowledge of the fates of these individuals.

In April, the Department of State sent a demarche to the Soviets regarding this issue. More recently, Secretary of State Baker raised the issue with his Soviet counterpart during the Moscow summit. The Soviets pledged at that time to make relevant KGB records available to our specialist. We have sent a second demarche requesting access to the promised records.

We have also raised the issue of Cold War losses with a delegation of Soviet and Russian veterans groups when they visited the Pentagon last month. With their help, we hope to raise the consciousness of other veterans and convince them that this is an issue of signal importance to the American people.

As this committee knows, the work is not easy. Hundreds of people in the Defense Department who want nothing more than to resolve this issue have devoted their careers to searching for answers to these questions. Congress has made its own contribution with investigations, special committees, and hundreds of hearings by the committees with responsibility for oversight of the POW/MIA issue. Some of the most knowledgeable Americans on the subject are right here in Congress on this committee, and their assistance continues to be invaluable.

However, there is probably always room to improve the job we do in pursuing leads. I am told that there were many gaps in the efforts in the late 1970's and early 1980's which led to the decision in 1985 and 1986 to increase the resources devoted to pursuing live sightings. The personnel increases that I have ordered this summer were to make sure that new gaps do not appear as the level of overall effort increases.

Over the summer, to take full advantage of the new information available to us and increasing access being provided by the Governments in Indochina, I ordered that 88 additional personnel be assigned to augment our efforts in the field together and process information. They will add manpower in four places: the Joint Casualty Resolution Center, the Army Central Identification Laboratory, the DIA Special Office for POW's and MIA's, and the DIA's Stony Beach operation.

I authorized those increases this past July. Since then, contact with Vietnam has further improved, as has the cooperation by the authorities in Phnom Penh. Cooperation with the Government of Laos has consistently expanded in recent years to take advantage of the heightened activity.

We have authorized the creation of a new position in the Pentagon that I mentioned previously. This position will be set up under the Assistant Secretary of Defense for International Security Affairs and assigned a staff of 14, including three positions already in the office. The new deputy will serve as the principal assistant in all POW/MIA matters reporting directly to Paul Wolfowitz, the Under Secretary of Defense for Policy.

These two steps represent the assignment of 102 new positions in the Department to the important and difficult work of gathering new information, sorting out the facts, and working with the families. This brings total staff devoted exclusively to this issue in the Department of Defense to almost 240 people. If more people and resources are required, we will not hesitate to add them.

Mr. Chairman, members of the committee, I look forward to working with you as we continue our progress in this important area. As you and the members of your committee travel to Southeast Asia, I would urge you to impress upon the governments of Vietnam and Laos and officials in Phnom Penh the need to do all they can to resolve this issue. The answers to the questions about Americans unaccounted for do not lie in the files of the Defense Department. The answers must come from the Governments of Indochina.

The families of POW's and MIA's have been and will continue to be our most important constituents. This Nation is committed to keeping the faith with every soldier, sailor, airman, Marine and civilian until the fullest possible accounting can be achieved. We owe them and their families nothing less. We will not rest until the job is done.

Thank you.

[The prepared statement of Secretary Cheney follows:]

Prepared Statement of Secretary of Defense Dick Cheney

I am pleased to have the opportunity to appear before this committee today to reaffirm the commitment of the U.S. Government—and especially the Department of Defense—to account as fully as possible for American prisoners of war and for Americans missing in action and otherwise unaccounted for.

Mr. Chairman, this committee meets at a time of increased public attention to the fate of our POW's and MIA's in Southeast Asia. I welcome and encourage this spotlight on a matter of the utmost national importance.

I can think of no subject that stirs more emotion, or generates more frustration and controversy than the subject of POW's and MIA's, especially those lost during our operations in Southeast Asia. The fact that there were thousands unaccounted for in previous wars does not make it any easier to accept the fact that 18 years after active U.S. participation in the Vietnam War ended, we stlll do not have a full accounting of all those lost in combat.

Eight months ago, when we defeated Iraqi forces in the Gulf, we were able to account for all of our people, even those lost behind enemy lines. That achievement is one of the legacies of our concern for our missing in Indochina. In turn, our success in the Gulf generated a renewed national attention and commitment to achieve the fullest possible accounting for those lost in Southeast Asia.

We welcome any contributions that this committee may make in shedding additional light on this important issue. I assure you of my full support for this Committee's efforts. The Department of Defense will make any of its experts in this field available to the Committee to address specific questions you may have.

Accounting for our missing in Indochina remains a deeply personal commitment for me and for President Bush. I am the first Defense Secretary to come before Congress to testify exclusively on the subject of POW–MIA affairs. This is an indication of the importance that I and the Administration attach to this critical issue.

Under the President's leadership, we have pressed harder than ever before to find answers to the difficult questions this search entails. Today, I can tell you that although many questions remain unanswered, the Administration has made significant breakthroughs in a number of important areas.

First, as a result of Gen. Jack Vessey's outstanding efforts as Special Presidential Emissary to Hanoi for POW–MIA Affairs, we have opened an office in Hanoi and are conducting in-country joint field operations. This has enabled us to carry out investigations on the scene, enhancing our ability to get the answers to our questions that we need.

Second, as shifts within the communist world have opened new avenues for our search, we have carried out the first joint investigations ever held within Cambodia and worked for increased cooperation with officials in Laos.

Third, to take advantage of the new information now available to us, I have ordered that 88 additional personnel be assigned to augment our field staff. I have also authorized the creation of a new position within the senior Pentagon ranks, Deputy Assistant Secretary of Defense for POW–MIA Affairs. With the new staff for this office, our POW–MIA efforts will be augmented by an additional 102 persons.

The effort to account as fully as possible for our POW's and MIA's is not an easy one. Our most urgent requirement is to determine whether any Americans remain captive in Southeast Asia and if so, to return them to the United States. The issue of live prisoners has been at the forefront of our intelligence effort and in our negotiations with the governments of Indochina.

The governments of Indochina have consistently denied holding any Americans. We do not, and never will, accept their denials as the last word. We intend to keep the pressure on. President Bush has pledged decisive action to return any American, should such evidence be obtained. I make you that pledge again today.

In recent months, questions have been raised regarding the Department's efforts to resolve the POW–MIA issue. As this Committee can well appreciate, no American official would spare any effort that might lead to the discovery of a single American prisoner of war. It is unthinkable that any American servicemen or women would fail to come to the aid of a lost comrade. Anyone who knowingly withholds or conceals information that could lead to the recovery of a captured American serviceman would deserve the most severe punishment possible. But I must say I have difficulty imagining why anyone would do such a thing. Everyone I know would be thrilled to learn that one of our comrades is still alive and we have a chance to get him back.

In fact, countless men and women in uniform and in civilian life have devoted long hours, great skill, and high hopes in the search to account for Americans who did not return from Southeast Asia. As professionals, as members of the armed forces, many of whom served during the Vietnam conflict, and as Americans, they have not needed to be told how important their mission is. They've had clear marching orders from the members of this Administration: The POW–MIA effort has our fullest support.

I regret the burden that families have borne through these long years of uncertainty and loss. And I condemn the cruelty of fast operators who have preyed on their hopes and made them suffer.

All Americans can be assured that the issue of prisoners of war and missing in action has the efforts of the members of my Department as well as our hearts. As you can well imagine, it is a subject that continues to haunt the men and women in uniform who served in Vietnam, Laos, and Cambodia. We have a special obligation to those who gave of themselves in the service of the Nation; to their families, and to those who will be asked to serve in future conflicts, to do everything in our power to obtain the fullest possible accounting.

Mr. Chairman, later today and in the weeks ahead, you will hear from a number of officials who are far more knowledgeable than I am about the details of our procedures and about individual cases. I want to take this opportunity this morning to give you my perspective as Secretary of Defense on the overall progress of the issue of POW–MIA's, and what we are doing to achieve the fullest possible accounting.

THE INVESTIGATIVE PROCESS

I would like to spend a few minutes, first, to explain how we approach the important issue of whether Americans remain captive in Indochina. To date, we have no conclusive evidence proving that Americans are being held against their will in Indochina. Nonetheless, the importance of this issue makes investigating live-sighting reports our first priority.

The Defense Intelligence Agency has the primary responsibility for investigating and analyzing live sighting reports received by our teams in Southeast Asia. Reports come from many sources, but our investigators solicit potential sources of information from among the thousands of refugees leaving Vietnam, legal travelers who have recently visited the region and others who may have been in a position to observe. In many cases individuals with information seek out our representatives in Bangkok. Regardless of how the information is received, the procedure for investigating remains the same.

Upon receipt, live sighting reports are examined to determine if the geographic location of the sighting, the time and circumstance of the sighting, and the details provided correlate to a known missing American. Related data is retrieved from DIA's extensive casualty, source and camp files, and the information is compared to what is available in the report. All files of losses or known incidents of capture or imprisonment in proximity to the location reported are reviewed for possible correlation, as are all files of all missing individuals whose time or location of loss generally relate to the given report.

Based on these findings, a preliminary determination is made regarding whether descriptive details provided by the source correlate to any missing Americans. If the information is judged to possibly relate to a POW or MIA, it is actively pursued by all available means. The full range of United States intelligence assets are used to collect information relating to reports of live sightings of Americans in Indochina. Continued collection efforts are undertaken until we are able to reach a conclusion about the report.

A live-sighting report continues to be pursued, on the assumption that it is accurate, until it has been determined that the evidence is clear and convincing that the individual described is not a POW or unless analysis indicates that the report is clearly a fabrication. If either of these judgments are reached, DIA's analysis is then subjected to the scrutiny of an interagency review panel before the report is considered resolved. This panel consists of representatives from Central Intelligence Agency, State Department, Office of the Secretary of Defense, Joint Chiefs of Staff and the Defense Intelligence Agency. Upon concurrence by the review panel, the report remains in the DIA data base where it is available for review by analysts working independently on other live sighting reports. Should the review panel not concur, the report is considered unresolved and additional collection efforts and analysis are undertaken in order to resolve the questions remaining.

To date, the Department of Defense has received 1,519 firsthand live-sighting reports. 1,037 of these reports have been correlated to Americans who have been accounted for, such as Prisoner of War who returned at Operation Homecoming, missionaries, or civilians jailed at various times for violations of Vietnamese codes. In fact, almost 300 of these resolved reports have been correlated to Private Robert Garwood who returned from Vietnam in 1979. Of the remaining reports, 373 have been determined to be fabrications, leaving 109 reports under active investigation. These reports are the focus of our analytical and collection efforts.

We have a live-sighting investigator on the staff of our Hanoi Office and we will insist that he will be granted free access by the Vietnamese to carry out his duties. To date, we have not reached complete agreement with the Vietnamese on the modalities of investigating live-sightings in Vietnam. We again raised this issue in a meeting in Hanoi last week and it appears that there is still more work to be done before the Vietnamese grant permission for our investigator to travel freely. It is our intent to press the issue continually until granted full and free access.

As I noted earlier, investigating live-sightings reports will continue to be our first priority. We will dedicate all resources necessary to support this vital requirement just as we have with the photographs that have appeared prominently in the media this past summer. We will not be satisfied until we are absolutely certain that every last case that can be resolved is resolved.

Command and Control

The organization of our POW-MIA effort is one of the most important ways we sharpen our focus on the issue. Later during these hearings, Major General Christmas, the Pacific Command Director for Operations, will outline what we have done to focus and expand our field investigations through a new Joint Task Force in our Pacific Command. But today, let me briefly describe the concept for this plan.

We will apply the military assets and personnel available within the U.S. Pacific Command to address the POW/MIA issue in much the same way as we applied the assets of Central Command in Desert Storm to defeat the Iraqis. Proceeding from a two tiered approach, we will investigate discrepancy cases and last known alive cases on a full-time basis with an expanded Hanoi Office staff. We will continue to bring in teams of investigators from Hawaii to support the activities of the Hanoi Office and to investigate systematically the cases within particular geographic regions. The Joint Task Force approach promises to bring a new intensity to our on scene operations. We now have the staff and expertise available to move forward as quickly as the Indochinese governments will allow.

SOUTHEAST ASIA

The end of the Cold War, the collapse of the Communist Party in the Soviet Union, and economic difficulties in China have been significant factors in changing attitudes and opening new avenues for progress in POW-MIA affairs in Southeast Asia. These developments removed support from Southeast Asian Communist regimes, forcing them to seek cooperation from other sources of economic assistance. They are turning to the West and especially the United States. This has opened new opportunities in three countries, Vietnam, Laos and Cambodia.

VIETNAM

General Vessey's Activities

Over the past year, the Vietnamese have demonstrated increasing levels of cooperation in resolving the fates of Americans missing in Indochina. Gen. Jack Vessey, the former Chairman of the Joint Chiefs of Staff and now Special Presidential Emissary to Hanoi for POW-MIA Affairs, has been especially persistent in pushing for greater access.

In April, he led an interagency delegation to meet with the Vietnamese Foreign Minister. At that meeting, General Vessey and the Foreign Minister agreed to establish a POW/MIA Office in Hanoi that would: conduct in-country investigations of reported first hand live-sightings; research historical records; conduct forensic review of jointly or unilaterally recovered remains; and conduct advance planning and execute joint field operations. On July 8, the U.S. POW/MIA Office opened in Hanoi with an initial staff of five. Initially, we indicated that the Office was temporary in order to provide time to assess its value. It is our judgement that so far, the Office is a success, providing a ready point of contact with the Vietnamese, and increasing communication between their officials and American POW/MIA specialists. We have indicated to the Vietnamese that we want to change its status to permanent. This will permit us to increase the staff and expand its operational role.

"Last Known Alive" Discrepancy Case Investigations

Since 1987, our efforts in Vietnam have focused on the investigation of 119 illustrative "discrepancy cases" which General Vessey presented to the Vietnamese in 1987 and 1988. These are cases in which we believe the individual survived his incident of loss and for whom the Vietnamese should be able to provide information. In some cases, these individuals were listed as Prisoners of War but did not return at Operation Homecoming in 1973, when U.S. Prisoners of War were repatriated by the Vietnamese. In other cases, these individuals were "last known alive" on the ground, or were in communication with friendly forces and imminent danger of capture. We believe the Vietnamese should be able to provide additional information on the fate of these individuals or otherwise account for them.

These "discrepancy cases" represent individuals that, in our judgement, based upon the incident of loss, are among the most likely to still be alive. That is not to say that other individuals in other cases could not be alive, but rather in prioritizing our efforts we selected the cases of individuals we believed most likely were alive when they fell into the hands of the Vietnamese. Therefore, if we can resolve the discrepancy cases and cases of individuals "last known alive" we will be able to shed important light on the question of whether or not Americans remain in captivity in Indochina. Sadly, to date, we have not been able to locate any live Americans, however, we have been able to reach the judgement that 57 of the individuals who comprise the "discrepancy cases" provided to the Vietnamese are dead.

In September we completed the 14th Joint U.S.-Vietnam Field Investigation of last known alive "discrepancy cases." This joint investigation was our most ambitious effort to date, and Vietnam's preparations and cooperation were improvements over past field investigations. Of significance, the Vietnamese allowed our resident researcher access to contemporaneous wartime documents that addressed the specific incidents of several previously unaccounted for Americans. As a result of these efforts, we believe that we may be able to confirm the death of several additional individuals. We are hopeful that the Vietnamese will provide access to similar records for other wartime military regions.

Field Operations

If I may, I would like to explain briefly how these investigations work. In all cases, our investigations begin with the assumption that a missing serviceman or civilian is alive. First, we identify the cases we would like to investigate jointly with the Vietnamese. The DIA and Joint Casualty Resolution Center then prepare case files of information for presentation to Vietnam's specialists. The records are detailed explanations of the incident of loss, biographic data, search and rescue efforts, and other information that will assist the Vietnamese and U.S. investigators in focusing on a particular case.

We then ask the Vietnamese to independently check their records to locate any information they may have in their records and archives, locate eyewitnesses if any, and military personnel or veterans who may have participated in the action so that our teams may interview them. After the Vietnamese carry out these preliminary investigative activities, we send in our teams, consisting of records researchers, interviewers and linguists to question witnesses and examine documents. If we can locate the crash site, we may survey it.

All of this information is compiled and a report is prepared and submitted to the Joint Casualty Resolution Center and Defense Intelligence Agency for analysis of the data received. The information is then correlated to the information within our files and analytic judgements reached. In some cases, we make a determination that further investigation is required. That may involve further records research and witness interview, or it may involve crash site survey and excavation. So far, there have been 14 such investigations since 1988. Another is scheduled to begin later this month. We go wherever the evidence leads and conduct as an exhaustive investigation as possible to attempt to determine the fate of the individual involved.

Vietnamese cooperation on these joint investigations has improved. But despite these improvements, we are still not satisfied with Vietnam's performance. Vietnamese officials could do much more to assist our efforts. Too often our office finds that public pronouncements of increased cooperation by Hanoi do not produce satisfactory arrangements on the ground. Promises to cooperate on live-sightings, improved helicopter transportation, and complete access to historical records remain only partially fulfilled. Vietnam's foot dragging on the unilateral repatriation of remains is especially frustrating. Certainly, if we ever hope to achieve the fullest possible accounting in a reasonable period of time, Vietnamese unilateral efforts as well as their participation in joint activities will have to dramatically improve. As I will discuss later in more detail, we intend to have the capability in hand to move as rapidly as cooperation by the governments of Vietnam, Laos and Cambodia will permit.

To date we have accounted for only 22 of the 119 discrepancy cases presented to the Vietnamese and jointly investigated. While we believe that we can confirm the death of an additional 35 unaccounted for Americans since we started this process, we have not been able to account for them by return of their remains. Obviously, results are slow in coming.

I support the statement by my colleague, Jim Baker, that the pace and scope of normalizing relations with Vietnam will depend upon the extent of cooperation by the Vietnamese on POW-MIA matters. The Department of Defense firmly supports the road map that describes the steps Vietnam must take and measures we will take in response before we will be ready to have full normalization of relations. I can assure you that we will be rigorous in our judgement about whether Vietnam is adequately complying. We will not be deterred from our goal of achieving the fullest possible accounting for our servicemen and civilians missing in action in Vietnam.

LAOS

Some of the most vexing questions remaining from the Vietnam war relate to the unaccounted for in Laos. Of the 528 Americans who remain unaccounted for in Laos, 335 are in the category POW or MIA. At Operation Homecoming, only 9 Americans captured in Laos returned as POW's. It is important to realize that approximately three quarters of the Americans unaccounted for in Laos were lost in areas controlled by the People's Army of Vietnam (PAVN). Despite that fact, we continue to press the Lao for answers regarding the fates of Americans who were captured by the Pathet Lao. Only one American held by the Pathet Lao, Emmet Kay, was released by them and returned from captivity. A second Pathet Lao prisoner, Dieter Dengler, escaped successfully.

Earlier this year, we conducted the first joint investigations of discrepancy cases involving Americans last known to be in Pathet Lao hands. Shortly thereafter, in May of this year, the U.S. and Lao agreed to an expanded plan for increased joint cooperation on POW/MIA and other humanitarian issues for the rest of 1991. Activities agreed upon include further joint investigations of discrepancy cases, small scale joint surveys and recoveries and joint crash site excavations.

So far, we have conducted the first three activities under the expanded program. In response to Lao humanitarian concerns, the Department of Defense and the U.S. Pacific Command have provided Title 10 Humanitarian Assistance to the Lao. The Department of Defense has furnished to the Lao nearly 100 tons of excess medical supplies in three separate shipments over the past year. Additionally, the U.S. Army Corps of Engineers completed construction of a small 5 room schoolhouse earlier this year in Savannakhet Province.

Finally, during September we conducted a Medical Civic Action Program Exercise with the Lao, sending U.S. doctors, nurses, and medical technicians to assist the Lao in training their medical specialists in a remote northern village in which we would like to conduct POW/MIA investigations later this year or early next year. These humanitarian assistance projects will, hopefully, assist our investigators in obtaining Lao cooperation at the province and village level.

While we have undertaken a year-round plan with the Lao, actual cooperation on the ground has not yet fully succeeded in implementing the promised schedule. For example, we have had to delay a field activity scheduled to start late this week until the Lao repair the helicopter that they had planned to dedicate to the mission. The lack of helicopters continues to be the most pressing operational problem in Laos. The Soviet helicopters in the Lao inventory are dangerous and operationally degraded. Nonetheless, we have continued to use them on joint operations in that country. In the past, the Lao have rejected our proposals to fly U.S. military helicopters for casualty resolution efforts in their country. We have made alternative proposals, to include the lease back of U.S.-made helicopters operated by commercial concerns in Laos. To date the Lao have made no commitments on these overtures, but we are continuing to work with the Lao to solve this problem

We believe that the Lao shortcomings are more a function of limited resources and capabilities than a lack of commitment. In fact, they have been very cooperative on urgent investigations such as the—purported Borah photograph. We have two major field operations planned before the end of this year, and I am hopeful that implementation will continue to improve rapidly and enable both countries to get back on track.

Lao-Vietnam Border Cases

As I said, approximately three quarters of the losses in Laos occurred in areas under the control of Vietnamese forces during the war. Accounting for Americans lost in such areas must be a trilateral effort between the Lao, Vietnamese, and U.S. While field operations inside Laos will necessarily be bilateral U.S.-Lao activities, the success of such efforts will largely depend upon U.S.-Vietnam cooperation. The historic records and documents required must come from the Vietnamese. Field cooperation on the border cases requires the assistance of both the Lao and the Vietnamese. We have proposed trilateral talks in December with the Lao and Vietnamese to develop a methodology for addressing these cases.

CAMBODIA

Phnom Penh has recently begun to cooperate with us in accounting for Americans missing in Cambodia. Since July, three investigative teams have traveled to Cambodia to follow-up on the photographs alleged to be of live American POW's. Their cooperation assisted our specialists in tracking down a number of what proved to be fraudulent photographs. Since July, we have also conducted two technical meetings with the Cambodians, the first such activity since Phnom Penh fell in 1975. Phnom Penh officials have also unilaterally returned remains that we hope will prove to be an American unaccounted for from the 1975 Mayaguez incident. We are hopeful that their cooperation will continue to improve.

RECENT PHOTOGRAPHS

As the Committee is aware, there have been a number of photographs that have surfaced in the media, and which have been identified by family members as MIA's from the Vietnam war. We take each identification seriously, and will use our full resources to answer the questions raised by these photos. I would like to briefly give you a status report.

Col. John L. Robertson, USAF, Lieutenant Commander Stevens, USN and Maj. Albro Lundy, USAF

Our photographic experts have concluded that the picture said to depict Col. John Robertson, U.S. Air Force, Lt. Comdr. Larry Stevens, U.S. Navy, and Maj. Albro Lundy, Jr., U.S. Air Force, has been altered. The handwriting on the altered photograph and the method of alteration are both similar to changes made to five other photos said to be prisoners of war. We found the originals in Eastern-bloc magazines in Phnom Penh, Cambodia. These other photographs do not show American prisoners of war, they depict a Soviet baker, military advisors, and workers. One of the sources of this photograph has also passed to our investigators faked POW photos in the past.

To complicate the investigation, no one has claimed to have seen any of the individuals pictured. Further, a second picture, allegedly depicting Lieutenant Commander Stevens was provided by the same source that originally obtained the faked "Borah" photograph. Subsequent reporting from Sandia National Laboratories fails to verify that this is Lieutenant Commander Stevens.

The associated reporting accompanying the three person photo, except for limited biographic data widely circulated by POW/MIA activists in Southeast Asia, has also proven false. The identifications by the families are the only positive information we possess. We are continuing our investigation, however, the information available to us strongly suggests that two of the individuals allegedly pictured perished at the time of their loss incidents. In the absence of additional reporting, we may not be able to resolve this case.

Lt. Daniel V. Borah, USN

A photograph taken in Laos surfaced earlier this year that was identified by family members as Lt. Daniel V. Borah, U.S. Navy. In addition, a nongovernment forensic anthropologist positively identified the person in the photo as Lieutenant Borah. With the help of Laotian officials our investigators were able to locate the individual who turned out to be a 77 year old Lao highland tribesman. The man was interviewed, photographed, and fingerprinted. He identified himself in the photo, as did a second individual who also appeared in the picture. Family members who want to see the tribesman for themselves will leave in a few days for Southeast Asia. They will be accompanied by our investigator who first interviewed and photographed the man in Laos.

Capt. Donald G. Carr, U.S. Army

The case of Capt. Donald G. Carr, U.S. Army is quite compelling because of the remarkable likeness between the 1989-90 photograph we obtained from retired Air Force Lt. Col. Jack Bailey and CPT Carr's wedding picture. In order to pursue this case, we need more current and more precise information, particularly concerning the location of the individual in the photograph. I met with Colonel Bailey on October 8 at the request of several Members of Congress. During the meeting Colonel Bailey promised that he would give our investigators access to his subsources and introduce us to the individual who took the photograph.

Accordingly, I dispatched a Department of Defense team to accompany Colonel Bailey to Southeast Asia. Unfortunately, after a week in Bangkok Colonel Bailey was unable to provide the access or information he had promised. After the team arrived in Bangkok, he also disclosed that the photograph—instead of having been taken in Laos as he previously indicated—may actually been taken in Burma or Thailand. Despite this setback, we contmue to apply all our available resources to locating the individual pictured in the photograph.

POW/MIA FRAUD

I have already alluded to some of the recent experiences we have had with outright fraudulent claims. Let me elaborate to make it clear what we are up against. I know I join all of you in condemning the cruel actions by some fast operators who play on the hopes of families and friends of POW's and MIA's. They doctor old pictures or forge documents solely to make a quick buck. The worst of these individuals traffic in reports obtained from unnamed sources in Southeast Asia, invite publicity to their claims of live Americans, promise great results, and often seek to raise money to keep their efforts going. It is also common practice for them to claim that their information is proof positive of government ineptitude and cover-up. In the process, they raise the expectations of the families desperate for any sign that a loved one is still alive. Unfortunately, when we investigate their claims we find no Americans, only unsubstantiated hearsay accounts, and too often signs of deceit and fabrication.

Senate Staff Mission

In August, at the request of a Member of Congress, I agreed to provide an aircraft to take a Senate staff member and an individual purporting to have "hot" information on live Americans to Southeast Asia to follow-up his information. I also provided several experts to go along on the trip. This individual subsequently provided the Senate staffer with a source who failed a polygraph test. This same person was also involved to some extent in the fake photographs. We must naturally pursue every lead that comes our way. But, each time we rush to answer these false alarms, our resources are diverted from solid leads and productive lines of inquiry. Individuals who repeatedly provide false information, well intentioned or not, should be called to account for their actions.

KOREA AND THE COLD WAR

In addition to our efforts in Indochina, we recognize that there are 8,177 Americans unaccounted for from the Korean War, and others missing as a result of Cold War incidents. Accounting for these men is also of concern. We will continue to press the appropriate governments for the fullest possible accounting.

The North Koreans hold the answers to these 8,177 Americans, including 389 initially classified by their services as prisoners of war. Negotiations with the North Koreans on this subject have been conducted by the United Nations Command Military Armistice Commission (UNCMAC). The UNCMAC acts on behalf of all 16 nations, as well as the Republic of Korea, whose men fought and died in defense of freedom in Korea. The North Koreans have proved unwilling to cooperate fully with the UNCMAC, preferring instead to have occasional discussions with our embassy officials in Beijing, and to use congressional delegations to return a small number of American remains to U.S. control. With the help of Senator Smith, who has met with officials of the North Korean Government both at the United Nations and Panmunjon, we are pursuing an alternative approach that holds promise for future cooperation.

In the past year, we have made several approaches to the Soviets to investigate whether they possess information on Americans lost in Cold War aircraft incidents. In some of these cases, our information suggests that crewmembers survived their incidents of loss. The Soviets, however, have repeatedly denied any knowledge of the fates of these individuals. In April, the Department of State sent a demarche to the Soviets regarding this issue. More recently, Secretary of State Baker raised the issue with his Soviet counterpart during the Moscow Summit. The Soviets pledged at that time to make relevant KGB records available to our specialists. We have sent a second demarche requesting access to the promised records. We have also raised the issue of Cold War losses with a delegation of Soviet and Russian veterans' groups when it visited my office last month. With their help, we hope to raise the consciousness of other veterans, and convince them that this issue is one of signal importance to the American people.

DEPARTMENT OF DEFENSE COMMITMENT

As this committee knows, the work is not easy. Hundreds of people in the Defense Department—who want nothing more than to resolve this issue—have devoted their careers to searching for answers to these questions. Congress has made its own contribution, with investigations, special committees, and hundreds of hearings by the committees with responsibility for oversight of the POW/MIA issue. Some of the most knowledgeable Americans on the subject are right here in Congress, and their assistance continues to be invaluable.

However, there is probably always room to improve the job we do in pursuing leads. I am told that there were many gaps in the efforts in the late 1970's and early 1980's which lead to the decision in 1985 and 1986 to increase the resources devoted to pursuing live sighting reports. The personnel increased that I ordered this summer were to make sure that new gaps do not appear as the level of overall effort increases.

Over the summer, to take full advantage of the new information available to us and increasing access being provided by the Governments in Indochina, I ordered that 88 additional personnel be assigned to augment our efforts in the field to gather and process information. They will add manpower in four places—the, Joint Casualty Resolution Center, the Army's Central Identification Laboratory, the DIA's Special Office for POW's and MIA's, and DIA's Stony Beach operation.

I authorized those increases this past July. Since then, contact with Vietnam has further improved, as has the cooperation by the authorities in Phnom Penh. Cooperation with the Government of Laos has consistently expanded over the past years.. To take advantage of the heightened activity, we have authorized the creation of a new position in the Pentagon Deputy Assistant 26 Secretary of Defense for POW-MIA Affairs.

This position will be set up under the Assistant Secretary of Defense for International Security Affairs and assigned a staff of 14, including three positions already in that office. The new deputy will serve as the principal assistant on all POW/MIA matters, reporting to Paul Wolfowitz, the Under Secretary of Defense for Policy.

These two steps represent the assignment of 102 new positions in the Department to the important and difficult work of gathering new information, sorting out the facts, and working with the families. This brings total staff devoted exclusively to this issue to almost 240. If more people and resources are required, we will not hesitate to add them.

CONCLUSION

Mr. Chairman, I look forward to working with you as we continue our progress in this important area. As you and the meters of your committee travel to Southeast Asia, I urge you to impress upon the governments of Vietnam and Laos, and officials in Phnom Penh, the need to do all they can to resolve this issue. The answers to the questions about Americans unaccounted for do not lie in the files of the Defense Department. The answers must come from the governments of Indochina.

The families of POW's and MIA's have been, and will continue to be, our most important constituents. This Nation is committed to keeping the faith with every soldier, sailor, Marine, and civilian until the fullest possible accounting is achieved. We owe them and their families, nothing less. We will not rest until the job is done.

The CHAIRMAN. Thank you very much, Mr. Secretary. We appreciate the scope of that statement and the fact that you have come here today as the lead-off witness in this year-long effort. I think you have made an important statement, particularly with respect to the augmented efforts that are being made and also with respect to the fraud issue.

We will have a round of 5 minute questions because of the number of Members and the time frame, and hopefully we can get through that and perhaps even have a little time for follow-up afterward.

Let me lead off, if I may, Mr. Secretary, by going back to the article that Senator Smith cited and that all of us read this morning. I would say at the outset that I could not agree with you more about your statement about the Department's tackling the issue of friendly fire up front.

I can recall in a briefing we had during the course of the war that that was discussed, and I think I or somebody remarked that there was a singular break with the past in that I remember the case of a movie called Friendly Fire where it took a long period of time for one individual to learn. In this case, you have voluntarily stepped up and acknowledged that in fact that is how you accounted for a number of deaths in the course of the war. I thought it was a moment of frankness and a departure from the past that was extraordinary, and I congratulate you for it.

The question that arises in the context of this issue—POW/MIA—is really the question about the communication process, I suppose. What is it that has happened, in your mind, that so many of our own citizens, particularly so many of the POW/MIA families feel that they are not getting the story?

I read from today's article, because there is a direct parallel in it. The article today said—and this is the reporter speaking, but this is what it said:

> The Davila case was part of a pattern of delay or denial affecting nearly every family that lost a serviceman to friendly fire. The army in particular broke its own rules by concealing basic facts for months from the next of kin, and its efforts to postpone disclosure often led it to stretch the truth.
>
> Some families, like the Davilas, never suspected. Others found out through news reports or enlisted friends of the dead men. Some heard only rumors and begged for details. Still others, including all of the marine families, learned informally that a friendly fire investigation was underway. All had to wait months for the final word.

Now, I understand why they would wait months for the final word, but what it suggests—and I understand the difficulties. I think everybody here does. It suggests that perhaps in the process of communication something has been lacking, that there is an adversarial response, or an unwillingness to communicate, or perhaps even a lack of ability to communicate the difficulties that are inherent in the process so people can understand it.

But my question to you is, having had time to review this, having augmented the staff, having made judgments about it, what is it in the process with the POW/MIA issue in Vietnam that has led so many families to feel as though they are in an adversarial state with their own Government?

Secretary CHENEY. Senator, I am not sure I can answer that question, certainly, on behalf of the families. I would assume you will have the opportunity later in your hearings to look specifically at their perception of it.

The problem, if you take the friendly fire incidents that are reported in the newspapers this morning that you referenced, is a very serious matter for any military organization to conclude that some of the casualties that were incurred as a result of military action were, in fact, the result of friendly fire. It is not a conclusion you draw lightly. And what was done in this case was a very thorough investigation, as I mentioned earlier, of every single incident where we did take casualties in an effort to ascertain the facts of the situation.

In some cases we are able to tell that casualties were the result of friendly fire because in this particular conflict only American forces were firing depleted uranium rounds from our M–1 tanks. The Iraqis had no similar munitions. And when a depleted uranium round hits an armored vehicle it leaves a distinctive signature. But it required going back and investigating and actually looking at the equipment in order to be able to confirm that.

I think the worst thing we could have done would have been to make a mistake or to go too quick with the allegation that, in fact, a casualty had resulted from friendly fire. So the fact that it takes a few months to get a full and complete accounting, I think, is just a normal, natural part of the process.

Now, from the standpoint of the families, there is never a good way to be informed that a family member is, in fact, a casualty. And it is even more difficult when you go through the uncertainty that existed for some of these families in not knowing precisely the circumstances that surrounded the death of a loved one.

All I can say is that as a Government, as a department, we are dedicated to the proposition of a full and complete accounting. That is what we have tried to provide in the case of Iraq. We take some pride in having gotten a full accounting of all the MIA's that were associated with the conflict in the Gulf.

With respect to how the department operated in previous administrations over the years that set a tone or a stage where families of POW's and MIA's in Southeast Asia believe the department was less than truthful, I am simply not responsible for; that was not on my watch.

But I can assure you we are dedicated in this administration to giving and achieving the full accounting to the families. That is a very important part of our responsibility and we take it very seriously.

Senator KERRY. Senator Smith.

Senator SMITH. Thank you, Mr. Chairman.

Mr. Secretary, I appreciate your candor in your responses to many of the points that you made, especially on the attempts that you made to confirm the validity of some of those photographs. And I personally know that you did take that upon yourself to check those out.

What, in your estimation, is the effect, do you see any effect on the morale of military personnel, active duty military personnel today, as a result of this kind of thing the investigation, the possibility that somebody may have been left? Apparently, it did not have any effect on the morale of the guys that served in the Gulf and the gals that served in the Gulf, but do you, given all the other factors and tremendous cutbacks that are coming down, which is a morale issue in itself, do you sense any morale problems as a result of this kind of things being bandied about?

Secretary CHENEY. Do you mean as a result of this investigation?

Senator SMITH. Not specifically this, but just the issue itself in the sense that there are still questions unanswered that have not been resolved.

Secretary CHENEY. I am sure that it probably is a factor in the minds of many of those who served and still serve in the military and who served in the war in Southeast Asia.

I would not describe it as an overall morale problem. I think morale in the military today is very good. But clearly when we ask young men and women to put on the uniform of the United States military and go in harm's way, I think it is with the unstated assumption and the expectation that no one would be left behind. And clearly, I think that is something that all Americans would like to be able to say about their Government, that there is no decision made by anyone to leave behind prisoners or missing in action in the war in Southeast Asia.

Senator SMITH. Just one final quick point and then I would yield.

What is, if you could characterize it in a sentence or two, what is your reaction or the reaction of your department to this committee? Do you feel, do you welcome it? Do you resent it? Give me some reaction of how you feel about it.

Secretary CHENEY. Well, I think the reaction of the department will be set by me and by my presence here today. I think I have indicated to everybody who works for me that we take this matter very seriously and that our mission is to cooperate with the committee, to benefit from whatever guidance and oversight you care to give us, that Congress has a very legitimate role to play in this area.

And so I would expect that those who work for me in the Department of Defense will understand by virtue of my presence here and my statements to the committee that I expect them to cooperate and have a very positive attitude about what should be a cooperative effort between the executive and the legislative branch to get the fullest possible accounting.

Senator SMITH. We appreciate that. Thank you, Mr. Chairman.

Senator KERRY. Thank you very much.

Let me just say to the members of the committee that the committee is going to operate on the basis of the first-come, first-served rule, so that everybody will have some predictability in their scheduling and know when they are going to come up for questions.

With that in mind, Senator Grassley.

Senator GRASSLEY. Thank you, Mr. Chairman. And thank you, Secretary Cheney, for coming here and cooperating with the committee and for your openness on this issue.

I would like to say at the outset that I have had an opportunity to pass on some information to you and I want you to know that I have been satisfied with your follow-up. Your response and follow-up has convinced me that this issue is at the top of your priority list.

If anyone would ask me if this issue is of the highest priority with Secretary Cheney, my answer would be an unequivocal yes.

And I appreciate not only the response several months ago from what I passed on to you, some leads that you followed-up on. But even very recently on a second instance, and I appreciate that very much.

Mr. Secretary, my question is whether or not it troubles you that people with information on possible live POW's are coming to Congress and the media with their information because they either do not trust or are not satisfied with the attention that it has gotten from the Defense Intelligence Agency. And that may be because the DIA has little credibility in their eyes.

Secretary CHENEY. Certainly, it would be a factor inhibiting our ability to carry out our assignment, our mission in getting the fullest possible accounting.

I am, of course, without knowing the specific case, or having had the opportunity to talk to the individual source, do not have any way of knowing whether their feeling of frustration is justified. But I can assure you, Senator, as I have in the cases you mentioned, that we want to take advantage of whatever information is out there. And that we will devote the resources of the department to follow-up on every single lead.

I would hope that one of the things that will emerge from this set of hearings would be a restoration of confidence, if you will, on the part of those who may have information that we are very serious about this business in the Department of Defense and that if they do provide us with good information it will not get buried in the bureaucracy, but we will aggressively pursue it.

Senator GRASSLEY. Well, see, I think that statement you just made, if it could be made more often, that you are aware that there might be some lack of credibility between people out there and your department and that you are willing to restore it and you see this committee as part of that process, or even without this committee, that you are willing to consider that, I think that is a major step.

And again, I think that you are to be commended for that open attitude.

Now while I did compliment you, and that is a sincere compliment, I think I want to also tell you, Mr. Secretary, that what ever problems are associated with the Government's handling of this issue are the result of people in the lower levels of the bureaucracy, some of whom have been working on this issue since almost day one. And this is not finger- pointing toward an individual, this is more a general comment toward groups of people.

It is my impression that they cannot seem to see the forest for the trees. Some of these people in the bowels of the bureaucracy, perhaps unwittingly, have come to constantly defend the proposition that we have left no one behind. So when a family member comes along with a photograph or with a number of discrepancies in their loved one's case, they might get a knee-jerk response or no response at all.

So considering this as background that I think is a legitimate analysis of the situation, maybe unconsciously developing over a long period of time, but still a real situation, I ask you this question: Whether you can honestly say that those in DOD below your level who have been responsible for this issue have pursued cases of potentially live POW's with the kind of vigor that reflects our national highest priority and that has been spelled out by several presidents so it, in fact, is our Nation's highest priority?

Secretary CHENEY. Senator, I am not foolish enough to think I know everything that goes on in the Department of Defense on a regular basis on this or any other issue.

It is a big place. My tenure there runs a little over 2–1/2 years out of the some 19 years that we are interested in. And I am confident after I have left, I will not have fixed all of the problems. But I think it should be clear that we do indeed treat this as a matter of highest national priority. And if we have individuals in the organization who have not conducted themselves accordingly, then I would expect that I would hear about it from their supervisors and that appropriate action would be taken.

I think the important thing for us, also though, is to remember that there are a great many individuals in the organization who are engaged and have been engaged for years in a very, very difficult and complex task, whose careers in many cases have been devoted in substantial part to dealing with this specific issue and who do an outstanding job and often do not receive enough thanks for it as well.

So in terms of agreeing that there may well have been times in the past when people coming to us did not receive the kind of treatment that they merited or their information was treated lightly, I would not by any means want to cast some kind of blanket condemnation on these very dedicated folks in the military and civilian side who worked very hard to try to resolve these issues.

Senator GRASSLEY. Mr. Chairman, I do not have another question, but just let me close with a commentary on what he said.

I do not question what he said, but I guess I would leave out there the fact that maybe there was some dissatisfaction on the Secretary's part with the handling prior to the decision to put 102 additional employees in place. Or maybe those 102 additional employees would not have been put in place.

Secretary CHENEY. I think, if I may, Mr. Chairman, just respond that the basic impetus for that was the fact that we now have much more access and we have now opened the office in Hanoi and that we are getting cooperation from the Vietnamese and the Cambodians and the Laos for the first time. And that more resources are justified in terms of being able to work the cases and the information we now think we can generate.

Senator KERRY. Let me just say before I turn to Senator Kohl that, Mr. Secretary, I think we really look forward to hearing the testimony of some of those people that you have talked about. They have never spoken publicly before.

It struck me when I was in Vietnam, listening to some of them and also listening to General Vessey, that there is an extraordinary tale for Americans to hear about the depth of concern and commitment that many of these people have put in over the course of 13 years, 14 years, 15 years, and that their efforts shed a different light on the continuum of effort, if you will, than many people have become aware of. That is why the committee particularly wanted them to come back here, which I know is a great expense in terms of time as well as money. But we think it is very worthwhile. And I think their story is interesting.

Senator Kohl.

Senator KOHL. Thank you very much, Mr. Chairman.

Mr. Secretary, with your experience with the families of casualties of Operation Desert Storm, you have certainly seen many of the problems that develop when family members are not given all the information the Defense Department has about how their loved ones died.

I have a constituent who recently requested a report as she has requested reports now for the past 20 years on a brother who was missing in action from the war. And she gets back letters which give her part of the report, but the letter says we cannot give you additional information that does refer to her brother because the information is classified. Now that drives her up a wall, as you might imagine.

My question is after 20 years what is it about a report concerning her brother or others that has to be classified so that we leave them with such an incomplete feeling. They feel like you have information that would give them the kind of peace of mind, if nothing else, that they desire, but you just will not release it.

Secretary CHENEY. Well, Senator, I am not familiar, obviously, with the specific case you are talking about.

The current policy is that the families are to have complete access to everything in the files with the exception of information about sensitive intelligence sources and methods.

For obvious reasons there are or there is a need to protect the way in which we have in the past generated some of the information with respect to particular cases. I would expect this is an issue the committee may want to pursue in a closed-door session where we could have a more frank and open discussion on exactly what is in the files and what ultimately is releasable to the family members.

But with that one single exception, as far as I know, that is the limitation on information that is provided.

Senator KOHL. So are you suggesting that except in the rarest of cases it should not be necessary to leave these people with that feeling that you have important information relevant to the particular case that you are not going to release? Except in the rarest of cases, you are saying that should not be necessary?

Secretary CHENEY. I am saying that in my understanding of the way the system has operated in the past and continues to operate is that what is protected through the classification process is information about sources and methods. Traditionally that is where classification is applied and it is true in this case as well.

And again, I think this is a subject that the committee will want to pursue in executive session.

But without knowing the individual case, there is no effort on the part of the Department of Defense to cover up from family members or to keep from them knowledge about the status of their POW or MIA. That is not the purpose for applying the classification in this case. It is only to protect sources and methods.

Senator KERRY. If I could interrupt without taking away from your time at all, Senator, we have discussed this, Senator Smith and I and staff and others. And there is going to be a major effort by the committee to review that process.

But I must say, Mr. Secretary, that the committee wants to avoid becoming perceived as part of the problem. So the committee is determined to be very tough on the issue of what legitimately remains a source or a method of concern that could not somehow be transferred to at least a family.

In some cases we have learned information from the Vietnamese that our department is keeping classified, that we go over or a family goes over and actually gets it from the Vietnamese. And that has only lent to this perception that there is a gap between what our Government is willing to trust us with versus what is available to people in the open marketplace.

Senator MCCAIN. Mr. Chairman, could I just comment?

I do not know how many members of this committee are aware, but we did put in the DOD authorization bill and I believe it is holding in conference, a requirement that the Department of Defense disclose all relevant information to the public and to family members and anyone who is interested, the so-called truth bill.

And I think, I would hope, sincerely hope, that would resolve a lot of these questions that are being raised right now.

Secretary CHENEY. But if I may, Senator, I believe, and while we support the amendment that the Senator from Arizona has offered, I think it provides for retaining some classification of sources and methods, the same kind of provisions that apply with respect to Freedom of Information Act. There are good and legitimate reasons why there are certain things that should not be released.

It is no effort, again, to deny information to the families. But I think once the committee gets into it, you will find there is some justification for that. Obviously, we will be guided by the new amendment adopted by the Senate.

Senator KERRY. We are very aware of that. The committee is not one to put at risk someone who may still be alive in Vietnam who was a source clearly identifiable even 15 years or 20 years ago. And that would be dangerous and irresponsible for us. And we also do not want to reveal methods or sources that might still be part of an available structure or that would reveal things we do elsewhere. We are sensitive to that.

The key here is to find the ground that permits the committee to maintain credibility with the families and doubters sufficient to be able to give the answers that Senator Kohl, I think, feels ought to be forthcoming without that compromise. That requires us to re-establish a credibility that unfortunately for better or worse is not there now. And I think you know that. And I think you are committed to doing that.

I just want that process to be open and clear so that nobody doubts what we are doing, either.

Senator Kohl, I apologize.

Senator KOHL. Mr. Secretary, you were at the White House as President Ford's Chief of Staff when there were policy decision made on how to pursue the POW/MIA issue after the fall of Saigon.

Can you tell us how and what it was like to deal with this issue at that moment in history, what some of the pressures were and what options were available, and how you would evaluate the Ford Administration's actions at that time with respect to POW/MIA decisions?

Secretary CHENEY. You are asking me to go back, Senator, some 15 years or 16 years in an area that I did not have direct responsibility over as White House Chief of Staff. This would have been handled by the Defense Department through the NSC process.

At the time, of course, one of the problems that we were faced with was the Mayaguez incident during the Ford Administration. President Ford came in in August of 1974 after the return of the POW's, I think the general mood at the time was as it was in the entire country, a sense of relief that our prisoners were finally home.

The Mayaguez incident, of course, resulted in some additional loss of life as the President used troops to rescue the crew of the Mayaguez and there were indeed some MIA's not recovered from that operation, one of which now supposedly the Cambodians have provided, although we have not been able to confirm it yet, we do have one set of remains from that incident.

But I was not directly involved in setting policy at the time with respect to the question of POW's and MIA's. I am not sure I could shed any light for you on how that was done or what the considerations were at the time.

Senator KOHL. Thank you.

The CHAIRMAN. Thank you very much, Senator Kohl.

Senator McCain.

Senator McCAIN. Thank you, Mr. Chairman. And thank you, Mr. Secretary, for being here. I think your statement is one which is very illuminating and balanced. I think that you placed proper emphasis on the fact that Vietnamese cooperation is key to a successful resolution of this issue.

I think it is also important that you point out in your statement that we are still not satisfied with Vietnam's performance. You mention that to date we have not reached agreement, complete agreement with the Vietnamese on the modalities of investigating live sightings in Vietnam, which obviously is crucial for us to be able to get that issue resolved and also the continuing problem with the Laotian MIA/POW issue which obviously large numbers of Americans are still missing in action.

I think also, secondarily, and we will have further witnesses on this issue, is the compelling evidence or at least substantial evidence that the Vietnamese continue to warehouse remains of Americans. And something which none of us have been able to understand, but clearly apparent, is the case or at least there is substantial evidence in that direction.

I also think it is important that you point out the diversion of assets that have been used in hunting down these hoaxes which are being perpetrated in the most cruel fashion, not only on the American people, but their families. It is disgraceful and it is disgusting. And I hope that we will investigate whether there is some violation in law of this kind of behavior which we have ample proof are hoaxes which are absolutely perpetrated with either pecuniary gain or publicity in mind. And that makes it more difficult, clearly, for us to investigate those live sightings or photographs which may be legitimate.

On page 8 of your statement, Mr. Secretary, you said in fact almost 300 of these resolved reports have been correlated to Private Robert Garwood who returned from Vietnam in 1979. I am not sure I understand what that statement means.

Secretary CHENEY. It is my understanding, Senator, that of the 1,519 live sighting reports that have been analyzed, the total number of first-hand live sighting reports that we have, approximately 1,000 have been correlated to POW's who have been accounted for. Slightly fewer than 300 can be attributed to Garwood, who stayed in Vietnam from 1973 through 1979 and did not come home until 1979. It was sightings of him in South Vietnam that led to those additional, almost 300, reports.

In addition to that there were 370-some that were generally believed to be fabrications. Out of the total we end up with about 109 are still unresolved, unaccounted for. But of that 1,500, slightly less than 300 were attributed to sightings of Garwood while he was, in fact, still in Southeast Asia throughout the 1970's.

Senator McCAIN. And you are familiar with the case, the circumstances surrounding Mr. Garwood remaining in Vietnam?

Secretary CHENEY. Yes. After he returned, he was court martialed and given a dishonorable discharge.

Senator McCAIN. And the allegations concerning his behavior in Vietnam that he was involved in guarding American prisoners?

Secretary CHENEY. That was the allegation. I am not an expert in the case, Senator. You may want to talk to someone more knowledgeable than me about the specific circumstances of Mr. Garwood. I would be reluctant to go beyond what I have given my general knowledge of the matter.

Senator McCAIN. Is it true that when Private Garwood was first interviewed, he had said that he did not know of any live Americans?

Secretary CHENEY. I do not know that, Senator.

Senator McCAIN. Maybe you could provide that answer for the committee because there is a great deal of confusion about exactly what his statements were and were not stated.

Also if you could for the record, have your people give us an estimated cost of this trip that had to be made to Bangkok recently with a, quote, "Senate staffer" and others. I think at some point we have an obligation to the American taxpayer as well as others.

And also could you give us a little bit more about that hot information that you had received that motivated you to have your staff fly to Bangkok?

[Information not received by press time.]

Secretary CHENEY. Yes. I was the one, Senator, who made that decision, to send out the team in both instances. I have done it now twice in the last 3 months where information was provided to me primarily from Congressional sources, in one case involving Lieutenant Colonel Bailey and the Carr photograph and the other case involving a report that there were Laotians in Bangkok prepared to identify a location in Laos where Americans were being held.

Both cases were brought to me as a result of contact from members of Congress. I was happy to devote resources to checking both of those reports out. I felt it was important to do so in a quick and timely fashion.

I will be happy to provide what the cost estimates are to the committee, but I think it is the kind of thing that is necessary in part to establish our credibility as a department, that we are serious about checking these out even when sometimes they may come from questionable sources. The sort of normal thing might be to brush it off, we cannot afford to do that. We have to operate on the assumption that they are valid reports about live Americans. And our obligation is to check them out every time we receive them.

Senator McCAIN. Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

I appreciate very much your emphasis on the absolute requirement for continued cooperation on the part of the Vietnamese government and I hope that one of the messages that is sent from this hearing is the commitment of Congress to demand that kind of cooperation which we feel is clearly humanitarian issue and one which is a requirement if we are to satisfy the American people. I thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator McCain. Let me just say for the record that the Garwood role in this entire issue will be thoroughly reviewed by the committee.

Bobby Garwood will be deposed and most likely be a witness. And that entire situation will be part of the record here.

Senator Helms.

Senator HELMS. Mr. Chairman, some of us came to Washington, in my case 19 years ago, with this as a top priority. Those were a little different times, the year I was elected. But this is the most encouraging morning I have had to hear the Secretary of Defense say the things that you have said.

And let me say, Mr. Chairman, that Dick Cheney has been unfailingly cooperative and gracious in assisting the Foreign Relations Committee in this investigation in prior times. He did it in ways that it is not appropriate to talk about in open session, as a matter of fact. And I am not going to forget that, Dick, because you have been open-handed and forthright from the very beginning. And he had his critics.

But I do not believe his critics know the whole story about this man. He has demonstrated a deep concern for the POW's and MIA's and I know of nobody who was more anxious for this committee to succeed than Dick Cheney. And I thank you, sir.

I have three quick questions. A lot of people in the intelligence community have indicated to me, and I am sure to others, that they have significant information about sensitive matters such as rescue missions that were purportedly aborted for political and diplomatic reasons and information about men left behind obtained through intercepts of enemy communications, et cetera.

My question is, will you be willing to assure these people that they will not be pressured or penalized if they do come forward with this information under appropriate safeguards?

Secretary CHENEY. Senator, I would be happy to see to it to the extent that I am able from the standpoint of the Department of Defense that there is no retribution against anyone who would provide information that is useful to the committee and during the course of your inquiry.

If something like that should happen, I would ask the committee to bring it to my attention.

Senator HELMS. Now you have assured this committee in your address and otherwise, previously, that this committee will have complete access to all types of intelligence relating to the POW/MIA question. I guess that means you are telling us that if problems arise in this area, we can come to you with a problem. Is that what you said this morning?

Secretary CHENEY. That is correct, Senator. And if the committee encounters difficulties or there is an area where a dispute arises about access to information, I would expect to be informed about it, to hear it from the Chairman or Ranking Member. And we will do everything we can to sort it out.

Senator HELMS. Very good. Now I was interested in Chuck Grassley's comments this morning.

I think it ought to be said for the record that this Senator, Chuck Grassley, from Iowa has served with valor far beyond the call of duty. I know that he spent hours and hours and hours over there at the Pentagon. And he brought up the question of classified documents. And you have already said that you are going to declassify as much as you can within the constraints of intelligence that must be restrained.

One final question. I have been told and I am sure others have been told repeatedly that many covert military operations took place during the Vietnam War and that a lot of our men were lost in these covert operations. Their names have never been released. I have been told that the number may be as high as 2,500.

Would you be willing to work with the committee to work out procedures for identifying any of the MIA's who might have been associated with these covert operations?

Secretary CHENEY. We would be happy to do that, Senator, again within the constraints of having to treat the information in appropriate fashion.

To the best of my knowledge, unless the committee can inform me otherwise, we have a complete comprehensive list of all of the POW's, MIA's from the war in Southeast Asia, that there is no separate list, for example, of men who were lost on covert operations. I would be surprised if that is the case. Obviously, I stand ready to be corrected if the committee can point us in the right direction.

But the man I mentioned, for example, Emmet Kay who was returned by the Pathet Lao was, in fact, an employee of Air America, a civilian, presumably involved in covert operations at the time that he was shot down. To the best of my knowledge, there is no separate list of individuals that have not been made public and who participated in covert operations and are missing.

Senator HELMS. We will share information on that. I hope you are correct and I am sure you probably are.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Helms.

Senator Brown.

Senator BROWN. Thank you, Mr. Chairman.

Mr. Secretary, you have developed, I think, one of the most spectacularly successful records as Secretary of Defense of anyone in our country's history. And I think everyone on this committee deeply appreciates the kind of leadership you have added.

Frankly, the initiatives you have taken in this area, I think, will lead to a dramatic change in the confidence level the American people have especially important have been the followup with the Soviets, the in-country followup that you pushed, the openness in records at least the effort to move in that direction—and the added resources.

One does wonder what kind of retirement policy the Defense Department has when it plans a summer in Vietnam for the former Chief of Staff, but beyond giving him tough assignments I think that you are off to a great start in this area as well.

I had three things that I wanted to draw your attention to. One was a question. In your testimony you talked about the governments in Southeast Asia, particularly Vietnam, denying that they had POW's or still had POW's or MIA's. Yet my recollection is that they had said that before Bobby Garwood was brought out. In other descriptions of those denials there has been a hint that they phrase the denials in terms that suggest that they are not holding any POW's against their will or Americans against their will.

Do you recall the exact nature of their denials? And is there a possibility that they classify some Americans who served in our armed forces as non–POW's because they want to claim that they are there voluntarily?

Secretary CHENEY. I suppose that is possible, Senator. If someone is there voluntarily, then we would like to know, obviously, if it would let us close out one of these cases. But there is clearly a distinction to be made between someone who resides in the area voluntarily and someone who is held against their will as a prisoner of the government.

The governments have all denied that they hold any prisoners, any Americans as prisoner from the Vietnam conflict. As I indicated in my statement, we do not accept that as the final word. We continue to operate on the assumption that there may be Americans held alive and we function accordingly during the course of our investigations.

Senator BROWN. Do you know if their denials have gone to the point of denying that there are any Americans who may have served that are in country?

Secretary CHENEY. I do not, Senator. It would be an interesting avenue for you to approach.

Senator BROWN. I am wondering if, indeed, Garwood in their minds fit into a different category, if that is not an area that we might want to explore.

Secretary CHENEY. That is possible. I do not have information on that point. But I am sure it would be an interesting question to ask.

Senator BROWN. A couple of things that I wanted to draw your attention to.

In your testimony this morning you went through with some specificity about the process you all follow when reports come in: checking records, checking background, looking for when they were missing, and so on. One of the frustrations I have had communicated to me is that the reaction far too often in the Pentagon to reports of this kind is to spend our time looking through records here rather than doing an immediate follow up on the report in country.

Are you comfortable that you have changed the priorities to the point where you are able to do a quick response to investigate and follow up on leads that might be in Southeast Asia?

Secretary CHENEY. I am not totally comfortable, yet, Senator. I am sure General Vessey can shed some light on this area as well as our people on the ground out there.

We are clearly in a better position today than we have been before. Until we had the office open in Hanoi, we did not have anybody on the ground in Southeast Asia except occasionally for the kinds of surveys that were done after the 1987, 1988 identification of the discrepancy cases. We now are in a position with people on the ground in Hanoi, in the Hanoi office to follow up on these live sighting reports almost instantaneously.

We have not yet worked out the modalities for doing that with the Vietnamese. They still are basically insisting that we must provide them with a written request before we can go visit a particular site, to check out a particular sighting. We think that is unacceptable. We are continuing to work with them to resolve that so we do, in fact, have complete and unfettered access anyplace we want to go to check out these reports.

I would say the situation is better than it has been. I would describe it, though, as not yet good enough.

Senator BROWN. Are you optimistic you are going to be able to work out arrangements in Laos and Cambodia as well?

Secretary CHENEY. My sense of it is, and again I am not an expert in that part of the world, but the circumstances that have led to the tremendous changes in Eastern Europe and the Soviet Union are rippling across Southeast Asia as well, that it is clear that the Vietnamese want to significantly improve relations with the United States.

There has been a resolution of the Cambodian conflict, at least for the time being, with the signing last month of the new accords in Paris. Every indication we have is one basically of goodwill and willingness to cooperate and to proceed.

Our problem has been in translating those general kinds of understandings into specific agreements that actually are carried out on the ground and give us the kind of access we would like, but again General Vessey has played a leading role in moving this whole process forward, and I am sure he will be able to shed some light on the exact status of relationship at present.

I basically am optimistic. I feel we are closer than we have ever been to a full accounting on those who are still missing.

Senator BROWN. One last area that I know you have talked about that I would like to emphasize. Our office got involved in trying to get film that was available on a POW in the Department of Defense's records.

Lillian Bickel was the case in mind. It literally took us 18 months and the involvement of a variety of offices, followup with letters with requests, with demands, with calls, to get some pretty basic information that was available throughout the period of time. For 18 months a family member was denied access to information that was clearly relevant and did not jeopardize the security of this Nation.

I guess what I mean to suggest is in the past the Department has not been overwhelmingly responsive to family members, and I hope as a level of focus that your people will have developed a new attitude in that area.

Secretary CHENEY. Senator, I do not know of the specific case you mention, but clearly 18 months would be unacceptable, and especially to answer inquiries from family members. If that kind of thing is happening, it should not happen, and I would hope that with the resources that have been assigned and the effort now that we can get a quick and appropriate turnaround time when we do receive legitimate requests from family members for information.

The CHAIRMAN. Mr. Secretary, I know we are running up against the wall here in time. I think there are just two more rounds, if that is possible, or are we pressing?

Secretary CHENEY. I have a major time problem in terms of a noon commitment in Philadelphia.

The CHAIRMAN. Senator Reid.

Senator Reid. Mr. Secretary, give me, if you could, a reason why any of these Governments would want to keep from the United States the fact that they may have Americans over there?

Secretary Cheney. Senator, I do not have a good reason why they might, other than that they might believe they would derive some kind of political benefit out of it, or that American prisoners would constitute some kind of trading stock to effect the relationship in the future.

Senator Reid. They are waiting a long time to do the trading, are they not?

Secretary Cheney. I would think so, but again my job is to see to it that we put the resources on the problem to get the fullest possible accounting, and at this point no one can prove that there are no live Americans there. From time to time we get reports that require us to go check them out, and so we operate on the assumption that, indeed, that could be the case.

Senator Reid. One last thing, and this is from your testimony of the 528 Americans who remain unaccounted for in Laos, 335 are in the category of POW or MIA. I do not understand the distinction—528, and we only have 335 that are POW's and MIA's.

Secretary Cheney. The others would have been carried, Senator, as killed in action, body not recovered. In other words, there was good reason to believe we could account for them. We know what happened to them, but their remains were never recovered.

Senator Reid. Thank you, Mr. Chairman.

The Chairman. Senator Robb, did you have one question, or a quick comment? I am sorry to short-change you.

Senator Robb. I recognize the constraints on time, Mr. Secretary. Just one quick question. You mentioned in your statement individuals who repeatedly provide false information, well-intentioned or not, should be called to account for their actions.

Senator McCain made some specific reference to this practice. Have you given any thought to ways that we might be able to discourage or penalize those who traffic in that kind of information, and who do so intentionally and with profit or some other ulterior motive in mind, other than a legitimate desire to respond to the concerns and the understandable and legitimate concerns of family members and others? Is there a way that we could do something institutionally, whereby the Department or the Congress could provide some disincentive to those who traffic in this kind of information?

Secretary Cheney. I would think—I do not have any instantly available proposals, Senator, other than to have a group that has credibility such as a committee of the U.S. Senate, as you go through the process of your inquiry over the next year, when you find that kind of activity, to make public a prominent part of your findings, if you will, to publicize those efforts that clearly have been inappropriate, or been designed to take advantage of the suffering of the families, who were motivated by financial desires of some kind, and I would think probably that is the best place to start.

For us to do it as a Department, given the credibility problem we have had in the past on this issue, it is very difficult for us to stand up and say that a particular individual or group of individuals are charlatans. It might sit well with the families, or sit better with the families and the public, if it came from the committee, after you have looked at all of this and said here are places where we think the Government has done right, and here are places where you have not gotten it right and you can improve on your performance, and this group over here are individuals who in the past have been disreputable in the conduct with respect to this operation. That might be very helpful.

Senator Robb. Thank you, Mr. Secretary. Mr. Chairman, I will respect the time constraints.

The Chairman. I appreciate that. Senator Daschle.

Senator Daschle. Mr. Chairman, out of deference to the Secretary's schedule, I will defer questions.

The Chairman. Thank you, Senator Daschle. Mr. Secretary, if we could leave the record open so that those Senators with additional questions could submit them in writing, we promise not to overly burden you, but we would like to give them an opportunity to do that with respect to the fraud issue.

Before you do leave, Senator Smith and I and a number of others have discussed, and we are currently looking at language to create a special category of offense with respect to the knowing and wilful misleading of the Pentagon, Congress, or families with respect to this issue, and we are trying to come up with the appropriate language, and we think it is something that would quickly pass and probably we should consider.

I will also say that we are going to look very hard, and we look for your cooperation—Secretary Ford has already talked with us about this—at the fraud issue. There will be a specific inquiry of this committee into the issue of fraud and we will probably have a hearing in an effort, both to expose it as well as to deter it.

Finally, Mr. Secretary, let me just say, you have said today, and I think every member of the committee appreciates it, and I want to thank you for it publicly, that openness and a frank discussion of this is the key not only to establishing, or reestablishing the credibility of the Department, but also to resolving the issue.

I think your statement today has been a very important statement, and we appreciate enormously, again, your coming here, leading off this process. I think it has set the proper tone, and the proper priority for these proceedings, and I assure you the committee is very grateful to you for the time you have spent here.

Thank you.

Secretary Cheney. Thank you, Mr. Chairman, members of the committee.

The Chairman. We will now move to the second panel, General Vessey, and while you take your seat, if I could turn to my colleagues for their opening statements, in the case of the openings we will proceed in the order of seniority in which people are seated, and I will turn to Senator McCain.

STATEMENT OF HON. JOHN McCAIN, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator McCain. Thank you, Mr. Chairman. I will try to be brief, because we are very interested in hearing from General Vessey.

We are tasked with examining the question of what has become of Americans who were lost in service to their country's defense and if our Government has expended every effort to determine their fate and return them to the United States.

There have been four previous congressional investigations of the POW/MIA issue as well as several other hearings by congressional committees on one or more aspects of the questions. None of these investigations have resolved these questions to the satisfaction of the American people. I welcome this new opportunity to pursue answers the families of our POW's and MIA's have every right to expect and that the American people demand. With fairness, patience, and determination we may arrive at those answers. I am pleased to participate in this worthy effort as a member of this committee.

I do not know if there are Americans in captivity in Southeast Asia. Until I have conclusive evidence one way or another, I will proceed on the assumption that there are. I repeat, I assume that there are live POW/MIA's in Southeast Asia until we have the fullest possible accounting for them.

I look forward to the testimony of our witnesses. I strongly recommend that the committee pay particularly close attention to the testimony of General John Vessey. He has labored mightily to produce the fullest possible accounting of our POW/MIA's. He is as decent and capable a public servant as has ever served this country. No one is in a better position to measure our progress toward a full accounting.

In the course of our investigation, we are obligated to examine several general questions, and I would ask that my complete statement be part of the record, Mr. Chairman, in order for the benefit of hearing from General Vessey, and time.

I will finally just say that we are obligated to review the evidence of live Americans. So are we obligated to investigate the abundant evidence of hoaxes that have been perpetrated against POW/MIA families. I was pleased to hear you just say that, Mr. Chairman.

You know, when you get a picture such as this, which was published in the newspaper all over America, and then you get a picture such as this, which identifies the individual as a 77-year-old Laotian of partial French blood, and this gets on the front page of the newspapers and this gets very little, there is something out of balance, and it seems to me that whoever did this knew full well that this individual was not a live American, and what we have done, Mr. Chairman, is not—it does not concern me as it does the family members.

We should not allow people to do this to the family members, and I think it is outrageous, and I hope that as you mention that part of our deliberations and our efforts will be to track down, if it is possible, the perpetrators of these kinds of hoaxes so that the

American families of those men who served their Nation with dedication and sacrifice are not subjected to this kind of thing.

Mr. Chairman, I want to make it clear I am not saying that every photograph or every bit of evidence is false. I have no way of knowing that, and there may be evidence which is true, but when we do have evidence that there is clearly a hoax perpetrated such as those pictures that I just showed you, it cries out for action to stop this kind of thing in the future, because as I say, those family members deserve far better from American citizens, or foreign citizens, or whoever is perpetrating this, and I know that General Vessey shares my view.

Again, I ask that my full statement be made a part of the record.

The CHAIRMAN. Your full statement will be made a part a part of the record, and I think we could not agree with you more, Senator. Senator Daschle.

STATEMENT OF HON. THOMAS A. DASCHLE, A U.S. SENATOR FROM THE STATE SOUTH DAKOTA

Senator DASCHLE. Mr. Chairman, I associate myself with the remarks made by Senator McCain. I could not have said it better. I had about a 30-minute opening statement. I am going to forego that in the interest of time, and the determination to hear our witnesses.

I would like unanimous consent to insert the statement in the record.

The CHAIRMAN. Without objection, the full statement will be made a part of the record. All statements will be made a part of the record. Senator Reid.

STATEMENT OF HON. HARRY REID, A U.S. SENATOR FROM THE STATE OF NEVADA

Senator REID. Thank you, Mr. Chairman. I first would like to extend to you and Senator Smith my appreciation for the staff that you have assembled and are assembling. I think that we have the ability here to render a great service to the people of our country to put a final resolution to this controversy.

In addition to the staff that has been assembled, I think we have rare assets with this committee, having you and Senator Robb, combat veterans in Vietnam, and Senator McCain, who not only saw combat service there but as we all know spent years as a prisoner of war in Southeast Asia.

So I think that the staff, plus the members of this committee who have had on-the-ground experience there, I think it is going to give us the ability to see a lot of things that have not been seen to this point.

As I indicated, I am hopeful and I am confident that we need to resolve this issue, and we will. The Nation deserves an answer, the millions who served in Southeast Asia deserve it, and especially the families of those people who are not accounted for deserve it. If there are live prisoners of war, certainly we need to get to the bottom of this after all these years.

As Senator McCain indicated, I enter these hearings with an open mind. I do not know, and that is why I asked the question to

Secretary Cheney. I do not know if there are prisoners of war there. If there are not, we need to resolve that. If there are, we need to resolve that. I can better understand why the Governments of Southeast Asia would play games with those missing in action, but that still does not make it any more palatable.

The question of linkage between the POW/MIA issue and normalized relations with Vietnam has been discussed in recent weeks. I believe the linkage issue is important, and I listened intently at Secretary Cheney's statement where in Laos that Government there has supplied certain information to our country and as a result of that we have done certain things in Laos. I think there should be linkage.

Not only, as I indicated, do the families of those who served in Vietnam deserve this committee hearing and this attention that is being focused on these issues, but those who now serve today in our armed services deserve this issue to be resolved.

The issue of POW's and MIA's I believe is a moral factor in today's armed services. In effect, what will my country do to get me back if I am captured in some foreign conflict? One of the purposes of these hearings is to determine exactly what steps our country has taken to investigate the evidence that has developed. Secretary Cheney has outlined something that gives us hope and expectation.

Once again, Mr. Chairman, I think that we have a lot of work to do in a short period of time, and I think a lot is expected of us, and I think that we should perform.

The CHAIRMAN. Thank you very much, Senator Reid. Senator Grassley.

STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

Senator GRASSLEY. Mr. Chairman, in regard to what Vietnam might be doing or not doing in regard to a new attitude that they have, I think we have to wait and see whether their opening is real or whether it is rhetoric, and I do not want to accept their good will at face value. I want to watch what they do, and if they do something very positive, acknowledge it, but I do not want to make any judgment on what they say they will do.

Mr. Chairman, there has been a great deal of discontentment over the years out in the countryside over the way our Government has handled this issue. I have personally experienced the frustration felt by many of my own constituents over the years.

The principal problem is that they simply cannot get their questions answered. Eleven times the Government has looked into the situation, and eleven times people are still not satisfied. So why is it, and what is the purpose of this committee? Why in the world are we starting a twelfth investigation? What can possibly be learned that was not learned by the other eleven efforts?

The eleventh of these was concluded this past May. This was the inquiry of the Senate Foreign Relations Committee minority staff. That inquiry, in which I had an opportunity to participate even though I was not a member of the Senate Foreign Relations Committee, concluded that the Government has mishandled the POW/MIA issue.

There is a fundamental reason why the eleventh inquiry is at odds with the first ten. It is a simple matter of oversight and information. Of those ten previously conducted, seven were done by the executive branch and three by congressional committees. The seven executive branch inquiries were not all thoroughly reviewed by Congress, and the three congressional inquiries were not based upon all pertinent data available to the U.S. Government on this issue. So for its part, Congress, which represents the people of this country, has not had the ability prior to this select committee to resolve this issue.

I feel strongly about this, because I spent four days at the Pentagon a year ago this past September with professional committee staff pouring over hundreds of live sighting reports, inclusive of raw intelligence data. We were told by DOD officials during that time period that I was over there that I apparently was the first Member of Congress to have gone through this information. Prior to that, Members of Congress and their staff had only reviewed summaries.

Now, the summaries represent the conclusions of each case, so how can a proper evaluation take place if all you evaluate are conclusions? What about the data and reports from which the conclusions were drawn?

At the end of my fourth day of sifting through these files I came away with two very definite impressions. First, there are major discrepancies and follow-up deficiencies in these reports. When you read the summaries, plus the live sighting reports and raw data, plus the casualty files, there are all kinds of inconsistencies, and illogical conclusions are drawn. So I would suggest to my colleagues on this committee that we get access to and review all of this data.

The second impression I had was we needed a lot more resources and manpower to review and evaluate these files than either I or the other three staffers had time for. It was at that point that I knew an entire committee was needed, and that is why I joined with Senator Smith to create this committee.

Now that the committee has been established, the question is, what will it take to resolve this issue? First, we have to have a new attitude. That goes for Congress, the executive, the media, everyone. John Locke, the philosopher, used the term "tabula rasa," when he called for a fresh approach to determining what the human mind is capable of knowing or not knowing. That translates roughly into blank slate. He said, in a sense, let us wipe the slate clean.

That is what we need here, Mr. Chairman. And now, as we go into this 1-year investigation, those who have preconceived notions, those who have biases, those who have agendas on this issue, should set them aside. This should include the public at large, which would do well to send a clear message to Vietnam and Laos that we do not seek retribution, that returning our men would beget goodwill from us.

Second, this committee needs access to information. This access should be full and complete. Let it be known that this committee will not hesitate to pursue access to all pertinent data, and once this information is provided it must receive an unbiased and professional evaluation.

Finally, we must be prepared to say that we left boys behind, if that is what the evidence shows. We have said as a Government countless times in the past that there is no credible evidence to show that we left men behind. What if the evidence points to the contrary? Are we prepared to back it up?

Sometimes, as is human nature, people can get too close to a situation and not know it. Their judgment becomes clouded. They are unable to see the forest for the trees. Perhaps that is what has happened in this case. Perhaps this issue needs fresh blood and a new attitude. There is no reason to point fingers and demand accountability. Let us find out the truth and fix the system if it needs fixing.

As Leo Tolstoy once wrote about how we sometimes let truth elude us, he said, we often put too much faith in the system and we lose sight of the truth. Truth, he says, is like a lizard. The system is like the tail of that lizard. We grab at the tail, but the lizard sheds its tail in our hand and goes off to grow another tail, so we are left grasping the system, not the truth.

Perhaps that analogy is appropriate in this case. Perhaps we have defended a system that has assumed from the beginning that we left no one behind. That system pursues the discovery of bones and crash sites, but that same system cannot handle evidence to the contrary. When confronted with the possibility of live Americans still held captive, the system defends itself with knee-jerk denial.

I certainly do not know if this is the case, Mr. Chairman, but I expect that in the course of the next year we will find this out. Ultimately, we have to get answers for our constituents and for the public at large. If we fail to answer their questions, we will have a 13th and a 14th investigation, as many as it takes to get an answer. I, for one, want this committee to provide those answers, and we have about 1 year to do it, and I am glad that we are finally getting started.

Thank you.

The CHAIRMAN. Thank you very much, Senator Grassley.

Senator Robb.

Senator ROBB. Mr. Chairman, I will not have an opening statement at this time. I am delighted to join you, and I approach this undertaking hoping that it will be objective. I approach it with a certain degree of skepticism, but I look forward to hearing from General Vessey. The Chairman: Thank you very much. Senator Kassebaum.

STATEMENT OF HON. NANCY L. KASSEBAUM, A U.S. SENATOR FROM THE STATE OF KANSAS

Senator KASSEBAUM. Mr. Chairman, I would like my full statement to be made a part of the record.

I would just like to say, though, that I think the hearing has gotten off to a good start with Secretary Cheney's very forthright and thoughtful statement, one of the most comprehensive and dedicated that I have heard on any subject, and I would also like to say, too, General Vessey has done a lot in this past year to help move this issue along in a very real way. I look forward to hearing his testimony.

The CHAIRMAN. Thank you. Your full statement will be made a part of the record. Senator Kohl.

STATEMENT OF HON. HERBERT KOHL, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator KOHL. Thank you very much, Mr. Chairman. I will be very brief.

Two weeks ago, Mr. Chairman, I was in Wisconsin to dedicate a Vietnam Veterans Memorial. 18 years after the war ended, several thousand people gathered for the ceremony. All the money for the project was raised by veterans organizations and private individuals, and it was Vietnam veterans who had the final say about how their memorial would be designed.

I think we can learn something about the importance of the work of our committee here today from the design that they chose. There were three columns built of Wisconsin red granite. One column represented those killed in action, one column represented those who fought and made it home, and the third column was for the POW's and MIA's, fellow comrades whose fate remains a nagging question.

That third column was of the greatest importance to the audience that day. Ann Fischer, whose brother went to fight in Vietnam but whose fate is still unknown, shared with the crowd the enormous pain her family has experienced. She made a huge impression and evoked the strongest response in a day full of speeches.

With this committee, we will have an opportunity to do something for Ann Fischer, for her family, for all POW/MIA families, and for the American people. With these hearings we will begin a process aimed at three things. First, we need to investigate our Government's actions. Serious doubts exist about whether our Government has done everything possible to resolve the fate of the missing. These doubts need to be heard and explored.

Second, we need to help the American people and especially the families to understand the way POW/MIA cases are handled, and third, we need to do everything in our power to find out if there are still any live Americans left behind.

This is clearly a highly emotional subject. It is possible that startling revelations will occur, but this committee is united in wanting to find the truth, and that clearly will take some time. The subject is clearly too important to leap to any premature conclusions, and the report we will issue is too important to make on any grounds other than a rational, reasoned analysis of the facts, so I, like the other committee members, look forward to hearing from all of our witnesses, and I want to thank them for coming with us here today to share their information.

Thank you, Mr. Chairman.

[The prepared statement of Ann Fischer follows:]

PREPARED STATEMENT OF ANN FISCHER

Dear Chairman and members of the Committee: I regret that I cannot be at the hearings in person. Please accept the following as my testimony.

On January 8, 1968, my family was notified that my brother, Richard William Fischer, was missing in action. That notification was the start of the process by which my mother and I feel we have become victims at the hands of our government and its representatives.

The National League of Families was first formed with the hopes that a united voice would get our government's attention and get us, the families, the answers we felt we deserved. Those were as follows:

1. Information about our loved one's "incident." Many families were not informed of the nature of their loss because of "National Security."
2. What was being done to secure the release of our men.
3. What was being done to ensure their humane treatment as prisoners.

Until the Freedom of Information Act, little information could be obtained about our loved ones. Any information the least bit touchy was considered within the realm of "National Security" and not released.

At first we were told to tell no one of the status of our loved ones for fear of retaliation by the North Vietnamese, thus setting the stage for secrets and the shame and guilt felt if we strayed from this mandate. In fact, the League found the opposite to be true; the louder our voices, the better their treatment of the prisoners.

We continued to feel patronized by the military and our government. The League had a voice, but only if in agreement to stick to the "party line." Anyone criticizing the policies was cast out as a troublemaker and said to be giving misinformation. Also, anyone not in agreement with Ann Mills-Griffiths was said to be giving out misinformation and could not be trusted; Red McDaniels, Scott Barnes, and Bobby Garwood, to name a few. I also distinctly remember my gut response to Richard Childress the first time I heard him speak. I felt he could not be trusted and he was not telling us the truth. I continue to feel that way to this day.

Prior to homecoming, my mother and I were requested to look at an album filled with men's pictures that were known prisoners. Both Mom and I picked out the same picture. It was taken from the back and the man held himself in the same manner as my brother would. He was also wearing a two-piece rainsuit exactly like the one Mom had sent him. The Casualty Officer, I believe named Billy Branch, checked the number of the picture with a list and, though he did not verbalize into words what he discovered, his sharp intake of breath lead my mother to believe that this might be Richard, approximately 4 years after his disappearance. No confirmation or denial or explanation of this reaction was ever given us.

At a later viewing of his file by my mother and I, no record was made of us having seen these pictures. Subsequent questions regarding these pictures have brought out that they are "somewhere in the Pentagon" and no one knows the exact location of the pictures without having the identification number.

A letter accompanying the file sent to us contained the following:

> Information Report 6029125770 dated 30 November 1970;
> Information Report 6918562873 dated 11 December 1973;
> Information Report 6918767074 dated 26 December 1974 provided with information deleted because it is classified for reasons of national security and therefore exempted from access or released by 5 U.S.C. 552(b)(1) and 5 U.S.C. 552a(k)(1).
>
> Initial Denial Authority is Captain Raymond A. Vohden, USN, Principal Military Advisor to the Assistant Secretary of Defense (International Security Affairs) for POW/MIA matters.

I believe that this may refer to what is known as the "Christmas Lists" and my brother could have been alive and his whereabouts known as late as December 12, 1974. But whatever it might reveal, this information was withheld from us due to "National Security." I wonder if we will ever find out.

While at the regional meeting at Scott Air Force Base in April 1989, my mother made another inquiry about these pictures. The Marine representative stated in no uncertain terms that rainsuits were standard issue, that everyone had one and that she did not send one to my brother. Ponchos were issued, but that is not what my mother sent to Richard. I remember the anger I felt toward that Marine when he called my mother a liar. On our return home, Mom checked with my cousin, whose place Richard took in "Mike Co." about the rainsuit. He clearly confirmed that at that time two piece rainsuits were *not* standard issue.

At the same meeting, a man from the State Department spoke to us. He told us of rescue plans waiting in a safe, they knew location of the prisoners and they were awaiting word to go ahead. My feelings are this was told to us as a means of placating us. This was said as a means to reassure us that "everything was being done that could be done." Was this the canceled Delta Force mission?

The summer of 1990 my mother toured the lab in Hawaii. When there, she asked if they had the "fact sheet" on my brother. The League continued to tell us specific cases were taken with General Vessey on each visit to Vietnam. My mother's next question was would my brother's "fact sheet" ever get shown at any of these meetings. She was informed that it would not, unless his file contained pictures of him as a prisoner. And yet the closest thing we have seen to a picture has been "lost" in the Pentagon.

My reaction to this is one of anger. I feel that they have killed my brother again and they have written him off. I refuse to let this happen. I want answers. I want to know *why* they refuse to examine each case. I want to know *why* each and every live sighting has been declared fraudulent. Who is the DIA protecting? Who is the CIA, State Department, and National Security Council protecting? What benefits, other than notoriety, did Ann Mills-Griffiths get for being in her position? Why did she, as the League representative, act so obstructively in meetings with the Laotians and the Vietnamese? Why does the DIA continue to declare photos released as fraudulent when they were obtained for their own records? What is being done to secure the release of Donald Carr?

I have waited 23 years for word of my brother and his fellow prisoners. I believe that our government knows that our men are still alive. I believe that they want to forget our men, just as they have in the past. Let the record show that the Vietnam veterans will not allow this to happen. Let the record show that I will not let this happen. I will not let our government forget because I cannot forget.

Senator KERRY. Thank you very much, Senator Kohl. Senator Helms.

STATEMENT OF HON. JESSE HELMS, A U.S. SENATOR FROM THE STATE OF NORTH CAROLINA

Senator HELMS. Thank you, Mr. Chairman.

Since this is the first time that we have met after all of our members have been appointed, I think it would be useful for us to at least take brief note regarding the direction which the POW/MIA committee should take.

Now, unless, Mr. Chairman, we have a clear agreement on the job to be done, it will never be done. The American people will once more feel that they have been cheated. Now, cheated may seem a rather harsh word, but that is the way the American people feel about it, general. Based upon the preliminary work done by Senator Grassley and me and by the work of his staff and the Foreign Relations Committee minority staff, I remain convinced that the American people and above all the families and friends of the POW/MIA's have not been given the full truth by their Government, and in a very real way Dick Cheney confirmed that this morning.

Therefore, I propose eight brief points to become the focus of our work on this committee.

Point 1, I think the committee should reanalyze all of the intelligence on POW/MIA's available for all wards, including World War II, the Korean War, and the Vietnam War. The Senate Foreign Relations Committee Minority Report presented, in my view, compelling evidence that U.S. POW/MIA's were left behind after every major war. Now, this contrasts with some assertions that have emanated from the Department of Defense in the past that not one—not one was left behind. I do not believe that, and I do not believe the American people believe it.

Now, if we do not reach a general consensus on the number of men abandoned, then the committee will be lost in the endless loop of the DOD approach that tries to knock down the evidence on every specific case, and that is why I said I was so encouraged by Dick Cheney's statement this morning. I think he is going to turn the situation around. As a matter of fact, he has already begun to do that.

The break-up of the Soviet Union and new evidence now available suggests that it may be possible to find out what happened to the POW/MIA's sent to the Soviet Union or kept behind by the Soviets in earlier wars.

As for POW/MIA's from the Vietnam War, the committee investigators should systematically perform a double team search of the files, looking for discrepancies between the raw evidence and the final resolution, and by this I mean that each file should be evaluated separately by two—not one, two teams.

Not everything that was done was faulty. I do not contend that. In the limited time that we had access to samples of files, we discovered that a large number appeared to have been resolved correctly. Nevertheless, the number with discrepancies was not only too high, but showed a bureaucratic insensitivity toward the dignity of the missing.

Point 2, the committee should focus its efforts on the possibility that some or even one of the POW/MIA's might still be living. The U.S. Government, in its discussions with Vietnam and other possible holders of POW/MIA's, has seemed too often to limit the topic to return of remains and visiting the crash sites. Of course, we want the remains returned to the family, and of course we want to get the history of crash sites, but the first priority should go to the living.

Point 3, the committee should review the identification of remains made by the Central Identification Laboratory in Hawaii. Even though CILHI, as we initial it in the bureaucracy now appears to be using scientific methods, the staff has evidence that many identifications may have been falsified in the past and were performed unscientifically by unqualified technicians. We want to be careful about that from this point on.

Point 4, the committee should review all laws pertaining to the procedures for making a so-called "presumptive finding of death." The U.S. Government should be required to prove that an individual is dead, instead of requiring the next of kin to prove that he is alive. At present, the U.S. Government can declare a person dead after 1 year following the last information received on him, even if that information indicated that he was alive at that time.

Point 5, the committee should review the claims by family members who believe that unfair declarations of death were issued for their loved ones. The first four points would put these claims in proper perspective, I submit.

Point 6, the committee should review U.S. Government policy for relations with the next of kin. In particular, the committee should review all Department of Defense and Department of State directives concerning relations with the families and recommend changes where and if appropriate.

Point 7, the committee should review allegations that family members and persons interested in POW/MIA affairs have been deliberately harassed by the U.S. Government because they criticized or refused to accept U.S. Government policy.

Let me illustrate what I am talking about. A number of my own constituents in North Carolina have reported unusual scrutiny by the Internal Revenue Service immediately after they became vocal on the POW/MIA issue. Now, that must not be allowed to happen.

The eighth and final point, Mr. Chairman, I think the committee should insist that effective cooperation on POW/MIA matters must be the No. 1 priority. Not No. 2, not No. 3, but No. 1 in dealing with Vietnam and the Soviet Union. For starters, neither country should get one dime from the United States taxpayers until we know the truth about POW/MIA's who never came back from those countries.

Now, I realize, Mr. Chairman, that this is a big order, but unless we have a specific plan, a clear road map, we will accomplish nothing in the few short months that we have.

I thank you, Mr. Chairman. I yield the floor.

The CHAIRMAN. Thank you very much, Senator Helms.

Let me just address very quickly, this is the first public hearing of the committee, and the committee has been busy pulling together staff and seeking recommendations from all the members for the outline of this inquiry, and I want to assure the Senator that almost without exception every one of the points that he has suggested are within the framework of the outline put forward by a number of different members of the committee.

The one caveat I would say to the Senator is that a raw data intelligence review of all wars by this committee is really beyond our capacity especially if we try to include World War II and Korea in the time frame that we have with the resources we have, and I do not want to pull any wool over the Senator's eyes or pretend that somehow that can be done.

I do not want anybody to be misled here. It will be a gargantuan task to review the data of the Vietnam period alone with the current resource allocation, and I think what the committee has felt, at least in the judgments I have had in talking privately with members, is that we set out to do that task and prove the capacity to do it thoroughly with respect to Vietnam, and that hopefully would lay the groundwork or justification for the continuation in the other two.

But we have eight investigators that have been allocated to us, and it just—as Senator Grassley knows and others who have been over there—is an enormous undertaking, as it is. But I want to assure the Senator that every one of those priorities that he set out are indeed critical to our ability to do this job, and that there will be a review of the intelligence with respect to the POW/MIA's in Vietnam.

Senator HELMS. Well, I thank the Senator, if the Senator would yield, but I do not think we ought to dismiss the point that the Senator described as gargantuan. We can at least make a beginning and see where we stand and then make a determination of whether we want to continue on that.

The CHAIRMAN. Well, I think that is fair. I think we can do that.

Senator HELMS. I thank the Chair.

The CHAIRMAN. General Vessey, thank you for being here. Thank you also for your repeated briefings, and availabilities to the members of the committee.

There is not a member of this committee who does not stand in awe of your service and commitment to this effort. You have really succeeded in breaking important ground, and I think everybody is anxious to hear your views and your testimony today. I think, as you and I have talked privately, I think it is important for you to speak with the candor that you have talked with us privately, and as we have all talked about it is critical to let the chips fall where they may.

I know you have some strongly-held views about this. There are few people who have dealt as much with the Vietnamese on this as you have, or who are as aware of the current state and the texture of this issue, and so we very much look forward to your testimony.

The rules of the committee state that all testimony, with a few exceptions, the Secretary of Defense being one of them, will be sworn, and so, general, I ask that you stand to be sworn, without, obviously, any doubts that you would do other than state the truth here, but that will be a matter of record for all witnesses, and so if I may ask your indulgence, if you would stand to be sworn.

General VESSEY. Well, I would say also, Senator, I was going to tell you the same thing no matter what.

The CHAIRMAN. We absolutely understand that, general. There is no question of that. But I do not want anybody subsequently who is sworn to say well, you did not swear him, and you did not swear her, and so we are going to do it for all concerned, and I know you understand that.

General VESSEY. Well, since I travel with my Bible in my briefcase, I will just take it out and use it.

[Witness sworn.]

The CHAIRMAN. Sir, we look forward to your testimony. Thank you.

STATEMENT OF GEN. JOHN W. VESSEY, JR., USA (RET.), SPECIAL PRESIDENTIAL EMISSARY FOR POW/MIA MATTERS

General VESSEY. I would just say, in the beginning, Senator, I have submitted a written statement and I want to tell you that in my word processor in my computer I have a lot of help, one to help me with my spelling and so forth, but it will not help me with fundamental goofs, and I want to apologize for putting the wrong name of the committee on the top of my statement, and I did it a long time ago, and I looked at the rest of the statement a lot, but I never looked back at that one, so the fault is purely mine and I sent it here by fax and it just got reproduced here, and I apologize.

The CHAIRMAN. General, if you would do me a favor, first of all if you could pull the microphone a little closer and down, and secondly, before you begin your opening testimony I would like you just to share with Americans who are listening to these proceedings a little bit about your service and record, if you would.

General VESSEY. Well, as the Secretary said, I am the former Chairman of the Joint Chiefs of Staff, and I was Chairman from

1982 through 1985, and I spent 46 years in the uniform of our country and in fact we're coming up on the anniversary of my outfit going to war the first time, 49 years ago, in a couple of days here, and so I've been around for a while.

Senator REID. Mr. Chairman, this is a very modest man. I think that I would like to hear how you got your battlefield commission, and I think the American public should hear that. You are our lead witness, and I think they are entitled to hear that.

The CHAIRMAN. I agree with that. That is what I am trying to get at, and we are going to break through the shield of modesty if we can, general.

General VESSEY. Well, as you said, Senator, I did get a battlefield commission, and I always thought it was because they were probably scraping the bottom of the barrel about May of 1944 and looked around for some noncommissioned officers who might take the place——

Senator REID. Where was this, that you received this commission?

General VESSEY. In Italy, Senator Reid, at the Anzio beachhead.

Senator MCCAIN. And your age at that time, general?

General VESSEY. 22.

The CHAIRMAN. Can you just share—you say you served in Vietnam?

General VESSEY. Yes, sir, I did.

The CHAIRMAN. What were your duty posts in Vietnam?

General VESSEY. Well, I served with the 25th Division in 1966 and 1967, and then I went back.

The CHAIRMAN. Your rank at the time?

General VESSEY. I was a lieutenant colonel, and then I went back in 1971 and 1972 at Laos, and took the job at Laos that was called Deputy Chief JUSMAGTHAI, which had expanded responsibilities at that time for coordinating U.S. support for military operations in Laos, and I was there until the cease fire was signed in 1973.

The CHAIRMAN. So how many years total service in Vietnam, general?

General VESSEY. Well, in Southeast Asia, 3, and 1 in Vietnam.

The CHAIRMAN. 1 in Vietnam and three tours?

General VESSEY. 3 years in Southeast Asia.

The CHAIRMAN. So it was fair to say that not only for your 49 years of service, and not only for the fact that you have worn a uniform——

General VESSEY. Only 46.

The CHAIRMAN. And not only for the fact that you have worn the uniform with distinction and obvious commitment, but also for your service in Vietnam, it is fair to say that you accepted this special envoy role appointment by the President on the POW/MIA with a special sense of personal commitment, I would say. Is that fair?

General VESSEY. Yes, sir. The people who are missing are my comrades, as they were comrades of many of the people on this committee.

The CHAIRMAN. I am sorry to interrupt you with that, but I do think it is important for people to understand what you bring to this beyond just being former Chairman of the Joint Chiefs of Staff.

General VESSEY. Yes, sir, and in regard to telling the truth, I would tell you that I will tell you the truth insofar as I know it to be the truth, and since there's a lot of hazy information about this subject, I will tell you what my basis is for believing certain things are true insofar as I can possibly do that.

There are many things in my prepared statement that are very similar to what the Secretary said. On the other hand, there are some important points of emphasis, and I'd like to go through that prepared statement in general and I'll try to skip over the things in the interests of time that the Secretary covered.

Like the Secretary, I am pleased to be here, and I thank you for the opportunity to help the committee examine the important issues of the fates of our missing from the Vietnam War. Your letter asked me to appear at today's hearing and address the procedures for resolving live sightings, and I will tell you what I know of that matter. However, to put that issue in context, I believe it important for me to tell you about the salient points in the negotiations with the Vietnamese for the 4 years in which I have been involved.

In 1987, President Reagan asked me to take on the task of getting the negotiations with the Vietnamese Government on certain humanitarian matters moving, and I would say some very important progress had been made by initiatives of the Reagan administration in the early 1980's, but by late 1986 the progress had slowed seriously.

The President instructed me to seek agreements with the Vietnamese to resolve the fates of the remaining POW/MIA cases, and he recognized that we would not be able to resolve all of them, but he made it very clear that the U.S. Government goal was the fullest possible accounting for all those missing and unaccounted for, and as first priority within that goal I was to seek ways to shed as much light as possible on the issue of whether or not live Americans were continuing to be held by the Vietnamese Government, and if there were any that then we would take action to get them out.

And then as the next priority—but I would like to emphasize again the first priority. That is, it was live Americans was the first priority, and Senator Helms brought that up, and I will repeat that several times here, that our focus has been on finding out whether or not there were live Americans there, and as a lower priority recovering the recoverable remains of those servicemen who had been killed or died.

The President also instructed me to raise certain other humanitarian issues. I was to seek to release of the remaining reeducation camp detainees—that is, the South Vietnamese Government officials and military officers who were still in the so-called reeducation camps in Vietnam. At that time, we estimated that about 8,000 people were being held.

I was to attempt to get the Orderly Departure Program moving, and the Orderly Departure Program was the program that permits separated Vietnamese families to be reunited without having to run the gauntlet of the pirates in the South China Sea, and I was also to propose getting the Amerasian children out of Vietnam.

I was also authorized to listen to Vietnam's humanitarian concerns to see if there were some which might be addressed within our legal, political, and policy constraints, but whatever was to be done on that matter was to be done solely for humanitarian reasons and was not in any way to be some sort of a trade for Vietnam's POW/MIA efforts.

When President Bush took office in 1989, he asked me to stay on in the job and he gave me the same general instructions, except he modified them based on the process that had been achieved by that time.

The instructions of the two Presidents led me to attend meetings with senior Vietnamese Government officials, including four trips to Hanoi leading U.S. delegations, and the agreements reached in those sessions led in turn to 18 sets of technical talks between the leaders of our casualty resolution activities and the officials of the Vietnamese Office for Seeking Missing Persons, and as Secretary Cheney said, the 18th round of those talks just took place in the last few days.

It also led to 14 sets of joint field investigations involving thousands of man-days of American and Vietnamese investigators on the ground, trying to find out what happened to our people. It led to two information-seeking talks trying to determine how to find the information Vietnamese archives might hold about the fates of missing Americans, and as the Secretary said, they led to the establishment of a U.S. office in Hanoi to further the search for our people and information about their fates.

As a result of my talks in Hanoi on issues other than POW/MIA, the Orderly Departure Program is working. About 200,000 Vietnamese families have been reunited thus far. About 60,000 Amerasian children and family members have been resettled in this country. All but about 100 of the reeducation camp detainees have been released, and we have a working program permitting those who want to leave Vietnam to come to this country.

During my trip to Hanoi last month, the Vietnamese Government agreed to a review of the remaining cases and looking forward to an early release of the remainder of those detainees. I would also add that considerable nongovernmental U.S. humanitarian assistance has reached Vietnamese people who needed the help.

Before I get into more detail on the POW/MIA issues, there are several background points and events which are important for an understanding of the total context of our interaction with the Vietnamese Government. First, the United States has quite consistently urged that the POW/MIA matter be approached as a humanitarian issue. We have regularly told the Vietnamese that resolution of the issue is not a requirement for discussing normalization of diplomatic relations.

We have, however, consistently said that the pace and scope of any normalization discussions will be affected by the level of Vietnam's cooperation in resolving the POW/MIA issues. Vietnam has accepted the POW/MIA matter as a humanitarian issue, and in fact I would add that the Vietnamese Government has not connected the level of U.S. humanitarian aid to their level of effort on POW/MIA.

The U.S. has consistently said that normalization of relations with Vietnam can only begin in the context of an acceptable settlement of the Cambodian conflict, and the acceptable settlement had a number of specific terms, but for the purposes of the hearing today we can summarize them as follows:

Complete withdrawal of Vietnamese forces from Cambodia.

Outside verification of that withdrawal.

Free elections in Cambodia.

Nonreturn to power of the Khmer Rouge.

Accepting and implementing the Cambodian solution sponsored by the Permanent five members of the U.N. Security Council. As you know, Vietnam announced its withdrawal of its forces in September 1989, and the Cambodian peace agreement was signed in Paris on October 23 of this year.

On April 9 of this year, Assistant Secretary of State Solomon presented the Vietnamese with a road map for normalization of relations. The document laid out a general list of events and activities and the resolution of the Cambodian conflict and U.S. expectations for levels of POW/MIA cooperation, and then it laid out corresponding U.S. moves that would be made on the road to normalization.

The Vietnamese neither accepted nor rejected the road map, but their actions have generally been consistent with the road map, as have ours.

Now I would like to move on to a summary of the POW/MIA issues from my perspective, and this is certainly very general and short. The issue of potential live American prisoners was the highest priority for President Reagan, and it is the highest priority for President Bush, and it certainly has been the highest priority for the American effort that I have been associated with.

For that reason, in the 1987 negotiations we focused on a group of 70 compelling discrepancy cases, cases which we believe the Vietnamese should have had—about which they should have had information. For the most part, they were cases of people whom we believe were alive after the incident in which they were involved, and were captured or were about to be captured when we last knew of them.

The Vietnamese Government has maintained since the end of the war that it held no live prisoners. In the 1987 negotiations, I used examples of these compelling discrepancy cases to illustrate why many Americans believed that Vietnam still held live Americans despite their Government's contrary assertion.

The then Foreign Minister, Nguyen Co Thach, the Vietnamese negotiator, acknowledged the discrepancies in the examples that I had given, and he said that Vietnam would help resolve those cases. In June of 1988, the Vietnamese Government agreed to joint U.S.-Vietnamese investigations of the discrepancy cases.

In early fall of that year, we conducted our first joint investigations. In 1989, we added additional discrepancy cases to bring the total to 119, and we also raised 35—about 35, or maybe 36—discrepancy cases of people lost in Laos, in border areas which were under the control of Vietnamese military forces during the war.

It was my intention at that time to raise the cases of all those people we believed we had evidence to show were alive after their incident, whether it was a plane crash, or a ground battle, or whatever it was, but additional research has shown that we did not include them all. But nevertheless, our analysts thought we had most of the cases representing people who had the best chance of being alive, and it seemed to me that by giving our priority effort to the joint investigation of those cases, we would shed the most light on the question of live American prisoners.

The 119 cases have all been investigated at least once. Most of them have been investigated twice, some of them three times, some of them four times. As the Secretary pointed out, 22 of the cases have been resolved through having their remains returned and identified, and we agreed with the Vietnamese that there are four other cases where the servicemen are clearly dead and the remains will probably never be recovered.

In 31 additional cases, we and the Vietnamese agreed that the investigations have established that the servicemen are dead. The U.S. believes that the remains are probably recoverable, or may already have been recovered in most of these cases. 62 other cases are pending further investigation. However, it's my understanding that the fates in five of those cases were probably resolved during the last joint investigations.

In most of the remaining 57 cases, we have gathered evidence, but not enough to be conclusive. The evidence we have gathered points toward death in those cases where we have gathered evidence. In no case have we found new additional evidence which points toward servicemen being alive.

One other sort of evidence which is pointed toward the possibility of live Americans is the live sighting report. As the Secretary said, since 1975 about 1,500 first-hand live sighting reports have been received. Most of these came from Southeast Asian refuges.

And the Secretary went through the numbers, 1,361 having been determined to be resolved by our people, 1,009 correlated to people for whom we had other accounting. And he went through the Garwood business. 372 were judged to be fabrications. And there are about 100 live sighting reports still under investigation.

Resolving these cases and any future sightings is important. And for the past several years we have sought agreement on investigating live sightings. In the October 1990 negotiating session, Foreign Minister Thach agreed to cooperate to develop procedures for live sighting investigations. Indeed, since then the Vietnamese have cooperated with us in investigating a few different cases of alleged Americans which came up very quickly. In April of this year when we and the Vietnamese agreed to open an office in Hanoi we agreed that one of its missions would be investigating live sighting reports. As the Secretary said, we have not yet fully agreed on exact procedures to be followed. High officials of the Vietnamese government have told me as well as told Congressional delegations, including members of this committee, that if we have evidence of any live Americans anywhere in Vietnam, we will be permitted to go wherever needed to investigate the matter. We need mutually agreeable procedures to make that offer a reality.

During my October meeting Hanoi, Nguyen Manh Cam, the new Foreign Minister, agreed that their people would work with ours to refine the procedures. It was a subject to be raised in the technical talks of the last few days. It is my understanding that progress was made and what we need to do is march ahead and see if more progress needs to be made.

There are some additional salient points on the live prisoner issue. And this is sort of a summary of what we know.

We know through extensive debriefings and subsequent investigations that all Americans seen by U.S. prisoners of war who did return in the Vietnamese prison system have been accounted for as either returned POW's or through the return of remains or having been reported as died in captivity.

In the years since 1973 other than the 100 or so unresolved first-hand live sighting reports under investigation, we have gathered no other intelligence that has been reported to me, and I have searched for it, by technical means or by other means which indicates the Vietnamese are holding live prisoners or that there was another POW system other than the one in which our returned prisoners were held.

Now we also know that high Vietnamese government officials have maintained through the years that their government holds no live American prisoners. And that assertion was repeated to me last month by Vo Van Kiet, the new Prime Minister and by the new Foreign Minister, Nguyen Manh Cam.

I would just interject here that as the Secretary said that does not mean that there are not any. And what we have done and will continue to do is investigate through these particular things that we have accepted as ways to go, the live sighting reports and the discrepancy cases and any other information that comes up to find out whether or not that is the truth.

Now with the continuing investigations of the compelling discrepancy cases and with good procedures, and as I said earlier, I am not satisfied that we necessarily have good procedures yet, but we will continue to pursue that with the Vietnamese, for investigating live sighting reports. We will have in place the mechanism for shedding about as much light as can be shed on this live prisoner issue.

We cannot yet say for certain that the Vietnamese assertion that they are not holding live prisoners is correct. We can say that we unearthed no evidence to the contrary. We will have to continue to gather the facts and simply let the facts speak for themselves.

The United States also wants to recover and identify and return to the families for burial the recoverable remains of the servicemen killed during the war or those who died in captivity. And we have urged the Vietnamese government to recover and return remains. We have offered to work with them and provide technical assistance in the effort.

From 1973 to 1987 164 sets of remains were returned to the U.S. Of those 153 were identified and returned to their families. Since my first meeting in 1987 308 sets have been returned, of those 125 have been identified and returned to their families, 109 others could be the remains of Americans, but have not yet been identified as to whose remains. And many of those may never be identified. 72 have been determined to be the remains of Southeast Asian natives and 2 sets were not human remains.

We know we will not recover all the remains, but we intend to continue the effort to make an honest search for every one that might be found.

One of the knotty issues between the two governments is the issue that Senator McCain raised, that is the possibility that the Vietnamese government might be withholding the return of some remains already recovered. We know from intelligence gathered during the war and after the war that the Vietnamese government has a system for recovering the remains of Americans. We also have the testimony of a mortician who reported that he worked on 260 to 280 sets of American remains and saw about 400 boxes containing what he believed to be American remains.

Many of the remains which have been returned have shown signs of having been stored out of the ground for long periods. And when you talk to the defense intelligence people they can shed more light on this issue because that does not necessarily say that these were in a warehouse. But it does say, U.S. analysts have combined these facts to build a case which suggests that the Vietnamese government could be holding as many as several hundred sets of remains.

For those reasons, the U.S. lexicon has come to include the term, the warehouse. With those people involved in this issue you constantly hear the warehouses.

Now high officials of the Vietnamese government, including Prime Minister Vo Van Kiet and the new Foreign Minister, Nguyen Manh Cam, have said they are not withholding remains. When the issue is raised, I must say, the Vietnamese officials also not only deny holding remains, but they ask me why would we—what we believe the reason would be for their holding remains.

Vietnamese officials also tell us that private Vietnamese citizens attempt to recover and hold American remains in the expectation of some sort of benefit. Recently, we recovered an identifiable set of remains from a refugee in a camp in the Philippines. And those remains, incidentally, also showed signs of storage out of the ground for some period.

Separating fact from speculation in this issue is difficult. The Vietnamese government could shed more light on the issue by telling us the results of their efforts to recover American remains. And I have so suggested that to the new Foreign Minister. He has agreed, as did his predecessor, to continue to try to recover and return remains as they become available.

Again, we will just have to continue to search for the facts and let the facts speak.

From the earliest joint investigation it became clear that access to Vietnamese historical records was very important to resolving many of the cases. When we raised this matter at first, the Vietnamese officials continually decried the poor state of their archives and belittled their potential value for resolving POW/MIA issues. In fact, Nguyen Co Thach said they had been eaten by termites. And I must say in his defense that when we've gotten into the records, we find that many of the records have, in fact, been eaten by termites.

But in 1990 then Foreign Minister, Nguyen Co Thach, agreed to information seeking meetings to find ways to get needed information out of Vietnamese records. Since those meetings access to information has continued to improve. And you probably saw the press announcement from Hanoi a few days ago that Deputy Foreign Minister Le Mai announced release of some classified war records pertaining to fates of Americans.

One of the principle tasks of our Hanoi office is guiding research into Vietnamese records. For the first few months the operations of the office have confirmed our expectations that it will be particularly useful in the search for historical information.

As the committee also knows the Party Congress was held in June and it produced a number of personnel changes in the Vietnamese government including a new Prime Minister and a new Foreign Minister. I traveled to Hanoi in early October to meet with those two officials. The goals of the trip were to confirm that previous agreements for cooperation on humanitarian matters remained in effect and to reach agreements on accelerated cooperation in resolving the POW/MIA issues along the lines of the roadmap which had been given to the Vietnamese.

As you know, Mr. Chairman, I briefed you and the Vice Chairman and Senator McCain when I returned as well as Mr. Solarz and members of the House that have an abiding interest in this issue.

I believe a summary of the results of the meeting should be in the record and in the public domain.

Prime Minister Vo Van Kiet and Foreign Minister Nguyen Manh Cam pledged Vietnam's unconditional cooperation in resolving the POW/MIA issues. Both said Vietnam wanted to continue to treat the matter as a humanitarian issue not connected to political matters. Both repeated earlier denials of holding Americans, live American prisoners and withholding remains.

And then we reached specific agreements on the following points. We agreed to accelerate cooperation on resolving the discrepancy cases and to put in place the mechanisms, procedures, and physical facilities to pursue full as possible accounting for all missing Americans as long as that would go on.

And I would say that the Prime Minister repeated a number of times that they will continue to cooperate on this issue no matter what the state of our other relations is.

We agreed that Vietnam would conduct a prompt and diligent search for all historical records which may pertain to missing Americans. And we agreed that the U.S. would provide technical assistance for that search and would bear a share of the cost of that search.

Vietnam confirmed its agreement to continue to attempt to recover and return promptly remains of Americans missing from the war. The United States, we agreed, would continue to provide technical support in the recovery of remains and help facilitate their identification.

We agreed that Vietnam and the U.S. would seek cooperation with Laos and Cambodia to resolve the fates of Americans lost in the border areas of those countries. Vietnam agreed to review the cases of all remaining re- education camp detainees with a view to early release of those detainees. The U.S. agreed in principle to accept those detainees and their immediate families consistent with the program we had established for earlier detainees.

Vietnam and the U.S. agreed to explore some sort of joint venture to provide improved helicopter support for our joint field investigations. And, Mr. Chairman, you are very familiar with this and I will certainly keep you informed as that moves along as I hope the Defense Department will.

Vietnam also agreed to improve support of the Hanoi office and to work with the office to refine live sighting investigation proceedings and procedures and to provide liaison with the office.

The U.S. agreed to continue to facilitate humanitarian assistance for the Vietnamese people. And I also agreed that I would recommend to the President that the temporary office be made permanent. I, indeed, did make that recommendation to the President and I reported in detail the other results of the meetings.

Needless to say, I also reported to the Secretary of State and Secretary of Defense. Secretary Baker announced at the Paris signing of the Cambodian agreement that we would take the first steps outlined in the roadmap. He also made it clear that progress on normalization would be gauged by Vietnam's cooperation in resolving the POW/MIA issues.

Mr. Chairman, I believe that with the Vietnamese, my work with the Vietnamese, we reached the necessary agreements to achieve the fullest possible accounting of our missing, to shed as much light as can be shed on the live American prisoner issue, and to recover all the recoverable remains.

But I want to say that agreements are not action. And there is much work to be done, both by Vietnam and the United States. Cooperation, good will, honesty, understanding, and diligence are required from both sides. We received a pledge of unconditional cooperation from the highest levels of the Vietnamese government. They need to work with us and we need to work with them to make that pledge come true.

I think as you heard from the Secretary of Defense, you have a Secretary of Defense and I can tell you you have a Secretary of State and a President who are determined to get to the bottom of this issue. The roadmap is in place. We are seeing new levels of cooperation from Vietnam and it is my earnest hope that those levels of cooperation will continue to grow.

You are going to hear from a wide variety of people. Unfortunately, you will not hear from all of the people in the Joint Casualty Resolution Center or the Central Identification Laboratory or all the defense intelligence agency analysts. And I want to tell you that I have worked very closely with these people. They are all mortal human beings like you and me. And I disagree with many of them many times. And we argue and battle. But I want to tell you that they are all dedicated people.

And if you could see the field work that has been done with these people traveling by old Soviet helicopters, by dug out canoe, on foot, and into areas in Vietnam where no one has been since the battles were fought, trying to find evidence of what happened to our people, you too would have the same appreciation for their dedication that I have.

I am very pleased that this committee is shedding light on this issue. And I have great hope that by the time you have finished your work that the American people will have a good understanding of how difficult the issue is and what the facts really are.

Thank you, Mr. Chairman.

[The prepared statement of General Vessey follows:]

Prepared Statement of General Vessey

Mr. Chairman, thanks for the opportunity to help the committee examine the important issue of the fates of our missing from the Vietnam War.

Your letter asked me to appear at today's hearing and address the procedures for resolving "live-sightings". I will tell you what I know of that matter; however, to put that issue in context, I believe it important for; me to tell you about the salient points in the negotiations with the Vietnamese for the 4 years in which I have been involved.

In 1987, President Reagan asked me to take on the task of getting the negotiations with the Vietnamese Government on certain humanitarian matters moving. Some very important progress had been made, but in late 1986, progress had slowed seriously.

The President instructed me to seek agreements with the Vietnamese to resolve the fates of the remaining POW/MlA cases. He recognized that we would not be able to resolve all of them, but he made it very clear that our goal was the *fullest possible accounting.* As first priority within that goal, I was to seek ways to shed as much light as possible on the issue of whether or not live Americans were continuing to be held by the Vietnamese Government. We were also to seek the return of the recovered and recoverable remains of those servicemen who had been killed or died.

The President also instructed me to raise certain other humanitarian issues. I was to seek the release of the remaining reeducation camp detainees. At that time we estimated that about 8,000 people were being held. I was to attempt to get the orderly departure program moving and to propose getting the Amerasian children out of Vietnam. I was also authorized to listen to Vietnam's humanitarian concerns and to see if there were some which might be addressed within our legal, political and policy constraints, but whatever was to be done was to done solely for humanitarian reasons and was not in any way to be some sort of trade for Vietnamese POW/MlA efforts.

When President Bush took office in 1989, he asked me to stay on in the job, and he gave me the same general instructions, modified to fit the progress which had been achieved by that time.

The instructions of the two Presidents led me to ten meetings with senior Vietnamese Government officials, including four trips to Hanoi for U.S. delegations. The agreements reached in those sessions led to:

(a) 18 sets of "technical talks" between leaders of U.S. casualty resolution activities and officials of the Vietnamese Office for Seeking Missing Persons. The 18th round of talks took place in the last few days.

(b) 14 sets of joint field investigations, involving thousands of man-days of American and Vietnamese investigators trying to find what happened to our people.

(c) 2 "information seeking" talks trying to determine how to find the information Vietnamese archives might hold about the fates of missing Americans.

(d) The establishment of a U.S. office in Hanoi to further the search for our people and information pertaining to their fates.

As a result of my talks in Hanoi on issues other than POW/MlA:

(a) The Orderly Departure Program (ODP) is working. About 200,000 Vietnamese families have been reunited thus far.

(b) About 60,000 Amerasian children and family members have been resettled in this country.

(c) All but about 100 of the reeducation camp detainees have been released, and we have a working program permitting those who want to leave Vietnam to come to this country. During my trip to Hanoi last month, the Vietnamese Government agreed to a review of the cases of all remaining detainees looking toward an early release.

(d) Considerable nongovernmental U.S. humanitarian assistance has reached Vietnamese people.

Before I get into more detail on the POW/MlA issues, there are several background points and events which are important for an understanding of the total context of our interaction with the Vietnamese Government.

(a) First, the United States has quite consistently urged that the POW/MIA matter be approached as a humanitarian issue. We have regularly told the Vietnamese that resolution of the issue is not a requirement for discussing normalization of diplomatic relations. We have, however, consistently said that the "pace and scope" of any normalization discussions will be affected by the level of Vietnam's cooperation in resolving the POW/MlA issues. Vietnam has accepted the POW/MlA matter as a humanitarian issue. The Vietnamese Government has not connected the level of U.S. (primarily nongovernmental) humanitarian aid to their level of effort on POW/MlA.

(b) The U.S. has consistently said that normalization of relations with Vietnam can only begin in the context of an acceptable settlement of the Cambodian conflict. The "acceptable settlement" had a number of specific terms, but, for the purposes of the hearing today, we can summarize them as: complete withdrawal of Vietnamese forces; outside verification of that withdrawal; free elections; non return to power of the Khmer Rouge; accepting and implementing the Cambodian solution sponsored by the Permanent Five members of the United Nations Security Council. Vietnam announced withdrawal of its forces in September 1989, and the Cambodian peace agreement was signed in Paris on October 23.

(c) On April 9, 1991, Assistant Secretary of State Solomon presented Vietnam with a"roadmap" for normalization of relations. The document laid out a general list of events and activities in the resolution of the Cambodian conflict and U.S. expectations for levels of POW/MlA cooperation and corresponding U.S. moves on the road to normalization. The Vietnamese Government neither accepted nor rejected the "roadmap," but their actions have been generally consistent with the "roadmap," as have ours.

I would now like to move on to a summary of the POW/MlA issues from the perspective of the President's Emissary.

The issue of potential live American prisoners was the highest priority for President Reagan and is the highest priority for President Bush; and certainly has been the highest priority for the American effort. For that reason, in the 1987 negotiations we focused on a group of 70 compelling discrepancy cases, cases about which we believed the Vietnamese should have had information. For the most part, they were cases of people whom we believed were alive after the incident in which they were involved and here captured or about to be captured when we last knew of them. The Vietnamese Government had maintained since the end of the war that it held no live American prisoners. In the 1987 negotiations, I used examples of the compelling discrepancy cases to illustrate why many Americans believed that Vietnam held live Americans despite the Vietnamese Government's contrary assertion. Foreign Minister Nguyen Co Thach, the Vietnamese negotiator, acknowledged the discrepancies in the examples I had given. He said that Vietnam would help resolve those cases. In June 1988, the Vietnamese Government agreed to joint U.S./Vietnamese investigations of the discrepancy cases. In the early fall of the year, we conducted our first joint investigations. In 1989, we added additional discrepancy cases to bring the total to 119. We also raised about 35 discrepancy cases of people lost in Laos, in border areas under the control of Vietnamese military forces during the war. It was my intention at the time to raise the cases of all those people we believed we had evidence to show were alive after their incident—plane crash, or ground battle. Additional research has shown that we didn't include them all, but nevertheless our analysts thought we had most of the cases representing people who had the best chance of being alive. It seemed to me that by giving our priority effort to the joint investigation of these cases, we could shed the most light on the question of live American prisoners.

The 119 cases have all been investigated at least once, most of them have been investigated twice, and some of them three and four times. 22 of the cases have been resolved through having the remains returned and identified. We agree with the Vietnamese that for 4 other cases, the servicemen are dead, but the remains are unlikely to be recovered. In 31 additional cases, we and the Vietnamese agree that the investigations have established that the servicemen are dead. The U.S. believes that the remains are probably recoverable or have already been recovered in most of those cases. 62 cases are pending further investigation; however, I understand that the fates in 5 cases were probably resolved during the last joint investigation. In most of the remaining 57 cases, we have gathered evidence, but not enough to be conclusive. The evidence we've gathered points toward death in those cases. In no case have we found new additional evidence which points toward the serviceman being alive.

One other sort of evidence which has pointed toward the possibility of live Americans is live-sighting reporting. Since 1975 about 1,500 first-hand live-sighting reports have been received. Most came form refugees. 1,361 of the reports have been resolved. 1,009 reports were correlated to individuals for whom we have an accounting, such as returned POW's, civilians jailed in Vietnam after the war, and some missionaries. 372 reports were judged to be fabrications. About 100 live-sighting reports are under investigation. Resolving these cases and any future sightings is important. For the past several years we have sought agreement on investigating live-sightings. In the October 1990 negotiating session, Foreign Minister Thach agreed to cooperate to develop procedures for live-sighting investigations. Indeed, since then the Vietnamese have cooperated with us in investigating two different cases of alleged Americans. In April of this year, when we and the Vietnamese agreed to open a U.S. office in Hanoi, we agreed that one of its missions would be investigating live-sighting reports. We have not yet fully agreed on the exact procedures to be followed. High officials of the government have told me as well as told congressional delegations that if we have evidence of any live Americans anywhere in Vietnam we will be permitted to go wherever needed to investigate the matter. We need mutually agreeable procedures to make that offer a reality. During my October meeting in Hanoi, Nguyen Manh Cam, the new Foreign Minister, agreed their people would work with ours to refine the procedures. It was a subject to be raised in the technical talks in the last few days.

There are some additional salient points on the live prisoner issue:

(a) We know through extensive debriefings and subsequent investigation that all Americans seen by U.S. POW's in the Vietnamese prison system have been accounted for as returned POW's, or through return of remains, or having been reported as died in captivity."

(b) In the years since 1973, other than the 100 or so unresolved first-hand live-sighting reports under investigations, we have gathered no other intelligence, by technical means or other means which indicates the Vietnamese are holding live prisoners or that there was another POW system other than the one in which our returned prisoners were held.

(c) High Vietnamese Government officials have maintained through the years that their government holds no live American POW's. That assertion was repeated to me last month by Vo Van Kiet, the new Prime Minister and by the new Foreign MInister.

With the continuing investigations of the compelling discrepancy cases and with good procedures for investigation live-sighting reports, we will have in place the mechanism for shedding about as much light as can be shed on the live prisoner issue. We cannot yet say for certain that the Vietnamese assertion that they are not holding live prisoners is correct. We can say that we have unearthed no evidence to the contrary. We will have to continue to gather facts and let the facts speak for themselves.

The United States wants to recover, identify, and return to the families for burial the recoverable remains of the servicemen killed during the war or died in captivity. We have urged the Vietnamese Government to recover and return remains, and we have offered to work with them and provide technical assistance in the effort. From 1973 to 1987, 164 sets of remains were returned to the U.S.; of those, 153 were identified and returned to their families. Since my first meeting in 1987, 308 sets of remains have been returned. Of those, 125 have been identified and returned to their families. 109 others could be remains of Americans, but have not been identified, and many may never be identified. 72 have been determined to be the remains of Southeast Asian natives, and 2 sets were not human remains. We known we will not recover all the remains, but we intend to continue the effort to make an honest search for every one that might be found.

One of the knotty issues between the two governments is the possibility that the Vietnamese Government might be withholding the return of some remains already recovered. We know from intelligence gathered during the war and after the war that the Vietnamese Government had a system for recovering the remains of Americans. We also have the testimony of a mortician who reported that he worked on 260 to 280 sets of American remains and saw about 400 boxes containing what he believed to be American remains. Many of the remains which have been returned have shown signs of having been stored out of the ground for long periods. U.S. analysts have combined these facts to build a case which suggests the Vietnamese Government could be holding as many as several hundred sets of remains. For those reasons, the U.S. lexicon has come to include the term "the warehouse." High officials of the Vietnamese Government, including Prime Minister Vo Van Kiet have said they are not withholding remains. When the issue is raised, Vietnamese officials not only deny holding remains, but ask what we believe their reason would be for holding the remains. Vietnamese officials also tell us that private Vietnamese citizens attempt to recover and hold American remains in the expectation of some sort of benefit. Recently we recovered an identifiable set of remains from a refugee in a camp in the Philippines. Those remains incidentally also showed signs of storage out of the ground. Separating fact from speculation in this issue is difficult. The Vietnamese Government could shed more light on the issue by telling us the results of their efforts to recover American remains. I have so suggested to the new foreign minister. He has agreed to continue to try to recover and return remains. Again, we will have to search for the facts and let the facts speak.

From the earliest joint investigation, it became clear that access to Vietnamese historical records was very important to resolving many of the cases. When we raised the matter, Vietnamese officials continually decried the poor state of their archives and belittled their potential value for resolving POW/MIA issues. In 1989, I suggested that the United States hire Vietnamese archivists to do the research to answer questions we would raise. In 1990, then Foreign Minister, Nguyen Co Thach agreed to "information seeking" meetings to find ways to get needed information out of Vietnamese records. Since those meetings, access to information has continued to improve. A few days ago, Deputy Foreign Minister Le Mai announced the release of some classified war records pertaining fates of Americans. One of the principal tasks for our Hanoi office is guiding research in Vietnamese records. The first few months of office operations have confirmed our expectation that the office will be particularly useful in the research for historical information.

As the committee knows, the Party Congress in June produced a number of personnel changes in the Vietnamese Government, including a new prime minister and a new foreign minister. I traveled to Hanoi in early October to meet with those two officials. The goals for the trip were to confirm that previous agreements for cooperation on humanitarian matters remained in effect and to reach agreements on accelerated cooperation in resolving POW/MIA issues along the lines of the roadmap. I briefed the Chairman, the Vice Chairman and Senator McCain when I returned, but I believe a summary of the results of the meetings should be in the Congressional Record and in the public domain.

Prime Minister Vo Van Kiet and Foreign Ministers Nguyen Manh Cam pledged Vietnam's "unconditional cooperation" in resolving the POW/MIA issues. Both said Vietnam wanted to continue to treat the matter as a humanitarian issue not connected to political matters. Both repeated earlier denials of holding live American prisoners and withholding remains. We reached specific agreements on the following points:

(a) We agreed to accelerate cooperation on resolving the discrepancy cases and to put in place the mechanisms, procedures and physical facilities to pursue fullest possible accounting for all missing Americans.

(b) We agreed to conduct a prompt and diligent search for all historical records which may pertain to missing Americans. We agreed that the U.S. would provide technical assistance for the search and would bear a share of the cost of the search.

(c) Vietnam confirmed its agreement to continue to recover and return promptly remains of Americans missing from the war. The U.S. is to continue to provide technical support in the recovery of remains and help facilitate identification of the remains.

(d) We agreed that Vietnam and the U.S. would seek cooperation with Laos and Cambodia to resolve the fates of Americans lost in the border areas of those countries.

(e) Vietnam agreed to review the cases of all remaining reeducation camp detainees with a view to early release of those detainees. The U.S. agreed in principle to accept those detainees and their immediate families consistent with the program established for earlier detainees.

(f) Vietnam and the U.S. agreed to explore a joint venture to provide improved civilian helicopter support for the joint field investigations.

Vietnam also agreed to improve support of the Hanoi Office, to work with the office to refine live-sighting investigation proceedings, and to provide liaison with the office.

The U.S. agreed to continue to facilitate humanitarian assistance for the Vietnamese people. I also agreed that I would recommend to the President that the "temporary" Hanoi office be made permanent.

I did indeed make that recommendation to the President, and I reported in detail the results of the meetings. Needless to say, I also reported to the Secretary of State and the Secretary of Defense. Secretary Baker announced at the Paris signing of the Cambodian agreement that we would take the first steps outlined in the roadmap. He also made it clear that progress on normalization would be gauged by Vietnam's cooperation in resolving the POW/MIA issues.

Mr. Chairman, I believe we have reached the necessary agreements to achieve fullest possible accounting of our missing, to shed as much light as can be shed on the live American prisoner issue, and to recover all the recoverable remains. Agreements alone aren't action. There is much work to be done by both Vietnam and the United States. Cooperation, goodwill, honesty, understanding and diligence are required from both sides. We have received a pledge of "unconditional cooperation" from the highest levels of the Vietnamese Government. They need to work with us and we with them to make that pledge come true.

The CHAIRMAN. Thank you very much, General.

I think your last comment about you should see and Americans should see these sort of great lengths and dangers even that some people have gone to is precisely what the committee hopes to be able to show.

That is why we have asked some of them to come back here. And we look forward to their descriptions of precisely what they have gone through and do go through in that effort.

General, in the course of your years and we will do a 5-minute round here to try to move through this as rapidly as we can and then come back for a second if need be, have you ever run across any holding back from you, any restraint from you of anything that you have sought in an effort to try to resolve this issue within the Defense Department?

General VESSEY. No, sir.

The CHAIRMAN. Have you ever come across any evidence yourself personally that has led you to believe with a certainty that someone was held alive in Vietnam?

General VESSEY. No, I have not. But I must tell you that I see all of this other evidence which says there may be somebody held.

The CHAIRMAN. Now with respect to the evidence that suggests someone may be held, could you share with the committee your description of perhaps some of the strongest of that kind of evidence?

General VESSEY. Well, I am sure that you may get into some of these with the people who are more familiar on the case by case basis.

But when I went through each of these 119 discrepancy cases and went through some others, some of the first ones that I laid out, for example, one was a picture of a naval officer, an aviator, and his picture had been on the front page of the Hanoi newspaper back in the 1960's at some time. And he was clearly identified and correctly identified by name. In the picture he was clearly standing between two Vietnamese military people.

He did not come back when the prisoners came back. His body had not been returned up until that time and no accounting had been given for him. And so it was a classic discrepancy case in contradistinction to the Vietnamese saying we hold no live prisoners. And it was the first one I introduced to Minister Thach at that time. And he, as I said in my statement, he acknowledged that in these and in the other examples I gave him, that those were clear discrepancy cases and we needed to find out what happened in the case of that particular officer.

His remains have since been returned and identified and given to his family.

Senator Reid. I am sorry, I did not hear that.

General Vessey. I said his remains have since been returned and identified and sent to his family.

The Chairman. And in that case there was somebody who was held, who was alive, who was known to be alive, who was not returned when others came back, but who subsequently we have found out to be dead. Is that accurate?

General Vessey. That is correct.

The Chairman. Now what were the circumstances of that person being held, but not being returned? Did the person die before people were returned?

General Vessey. The explanation that we got is he died before the people were returned.

The Chairman. Now with respect to the 119 or so discrepancy cases, I think there are a lot of questions that the committee needs to have a very precise sense of. And perhaps you are not going to be able to do all of that. And obviously we do not need to do that all in the hearing.

But I think it is important for the record to show how you have arrived at 119 discrepancy cases and whether you are satisfied that that really represents the only true discrepancies or whether there might be others that could fit into that category or perhaps have inadvertently been left out.

General Vessey. Let me answer the back part of that question first.

Yes, there may well be others that could be left out and these were meant to be compelling discrepancy cases to show the Vietnamese why the Americans believe that they might be holding live prisoners in contrast to the statement that they were not and as samples of cases to shed light on this issue of whether or not they were holding live Americans.

That is, it was my belief that if we took the cases of those we thought had the best chance of being alive, that we would most quickly shed light on the issue of whether or not there were live American prisoners. But certainly anybody in that whole list of 2,273 might possibly be there.

But I think that as we go through this exercise and investigate these, we will know more.

The Chairman. When you say anybody in the 2,000 might, is that not actually perhaps possible, based upon evidence?

General Vessey. Well, based on determinations, about half of those have been determined to be killed in action, body not recovered. And that is based on wartime sightings of what happened at the time. That his comrades thought that the person was killed.

And as we are finding out, even many of those, the ones that we thought had a chance of being alive were also killed even though we did not believe them to be killed at the time.

And so what I say to you is that all the wartime reporting is just in fact that. It is wartime reporting. And it was the best reports that could be gathered from the battlefield at the time. And we just have to look into the additional evidence.

The Chairman. In all of your dealings over the years you have had occasion to negotiate significantly, to get to know personally, to see the government opening up and so forth, have you come to have a personal belief in your gut about whether or not the government, whether you perceive that the government of Vietnam might be holding somebody?

General VESSEY. I decided I should not have personal beliefs and gut feelings about this business, Senator. That the job was to set in place as best as I could the mechanism for finding the facts and let the facts speak for themselves.

And so there are some clear strong cases to be made at either end of the pole here on the issue of live prisoners and the issue of warehousing of remains, whatever it happens to be. And I have just drawn down sort of an opaque curtain and said, do not guess, find the facts.

The CHAIRMAN. Is it your conviction that a sufficient process is now in place to permit those answers?

General VESSEY. I think we have the agreements to find the answers if we get the action to follow the agreements.

I think the process is in place.

The CHAIRMAN. Senator Smith.

Senator SMITH. General Vessey, thank you for your testimony and thank you for coming here today from the Midwest. The weather is a little better here, I guess.

General VESSEY. I moved more snow this past weekend than I have moved in the past 3 years combined. [Laughter.]

Senator SMITH. General, in 1987, not too long after you took your position from President Reagan, you made this statement before a House Subcommittee on Foreign Affairs. Quote, "We have evidence that says we had people alive. They were in the hands of the Vietnamese authorities when the prisoners came back and they didn't come back. Their bodies didn't come back. Their remains have not been returned. And their whereabouts have not been explained by those same authorities."

You also mentioned that in your first meetings with the Vietnamese you went through glaring cases that begged for the return of a prisoner. How do you feel today? Do you stand by that statement still?

General VESSEY. Yes. The one thing I would correct is where I said we had, I have forgotten exactly how I said it in your statement, we had evidence to lead us to believe they might be in the hands of the Vietnamese when the prisoners came back.

That is what I would say today because of those 57 cases where we think we have resolved the fates, in fact the resolution has shown that they were not alive and in the hands of the Vietnamese at the time of the return of the prisoners. We believed we had evidence to show that they were alive at that time or might be alive at that time. That's the one correction I would make.

Other than that, yes, that statement is correct except to say that we have gone through these 119 discrepancy cases since that time with the Vietnamese cooperation and I would say that that cooperation has increased steadily through the years. It was pretty scanty to begin with.

And now in many of those cases have we found any additional evidence that the person might be alive.

Senator SMITH. Of the original 70, original 70 discrepancy cases that were provided to you, how many of those 70, original 70, have actually been resolved?

General VESSEY. I just have to take that for the record, Senator. I cannot tell you. I stopped discriminating inside the 119, so I cannot tell you.

[The material referred to follows:]

A total of 18 individuals from the original list of 70 have been resolved. They are:

Full name	Loss—RK	Service	Date	Ctry—Orig
WILLIAMSON, DON IRA	03	F	65-07-07	VN
POWERS, TRENT RICHARD	04	N	65-10-31	VN
HANSON, ROBERT TAET JR	02	N	66-02-03	VN
REILLY, EDWARD DANIEL JR	E4	A	66-04-26	VS
BAILEY, JOHN EDWARD	03	F	66-05-10	VN
GREGORY, ROBERT RAYMOND	03	F	66-12-02	VN
PUTNAM, CHARLES LANCASTER	05	N	67-03-09	VN
KARINS, JOSEPH J JR	03	F	67-03-11	VN
TUCKER, EDWIN BYRON	04	N	67-04-24	VN
POLLIN, GEORGE J	02	F	67-04-29	VN
BLACKWOOD, GORDON BYRON	03	F	67-05-27	VN
BUSCH, JON THOMAS	02	F	67-06-08	VN
FULLAM, WAYNE E	04	F	67-10-07	VN
DARDEAU, OSCAR MOISE JR	04	F	67-11-18	VN
LEHNHOFF, EDWARD W	03	F	67-11-18	VN
JOHNS, VERNON Z	E3	A	68-02-03	VS
YONAN, KENNETH JOSEPH	03	A	72-04-24	VS
COLBERT, CLARENCE ORFIELD	06	N	72-11-06	VN

Senator SMITH. Are you willing to provide the background on all of those cases to the committee for review, not just the summaries, but all of the discrepancy information?

General VESSEY. Well, I am not the holder of any information. But you heard the Secretary of Defense say that it is available to you. I do not have it. But to the people that you will talk to, do have it.

Senator SMITH. To the best of your knowledge, and I would be happy to take this also for the record if you are not sure, do you have any, are any live sighting reports that have been reported today, to date, do any of these live sighting reports refer specifically to any of those 70 discrepancy cases or any of those unresolved?

General VESSEY. I would have to take that for the record. I do not know that to be the case.

Senator REID. What was your question again?

[The material referred to follows:]

Many of these sightings are unresolved because the reports are still being investigated. Thus, it cannot be determined with certainty that any of the current unresolved sighting reports correlate to an MIA or to General Vessey's original list of 70. Nonetheless, as far as can be determined at this time, none correlate to any of the original 70 cases.

Senator SMITH. Do any of the current live sighting reports that we have from other sources, from refugees or from any other source, correlate specifically to any of the 70 discrepancy cases less those that were resolved?

General VESSEY. I think the answer is no, but I would just need, it needs more research than me just taking an off the cuff answer here right now.

Senator SMITH. Have you ever made any statements, or in your meetings with the Vietnamese have you ever implied to them or stated directly to them that we ought to go look and see if we can find some of these people who are listed in those discrepancy reports and that the American people would accept us finding prisoners? I think Senator Grassley referred to this, that there would not be any retribution. That if you have people, show them to us. We are not interested in retribution, we are interested in the men.

General VESSEY. Exactly. And I want to add something to what the Secretary said.

Someone asked the Secretary about persons not held in captivity. And I would add what Prime Minister Vo Van Kiet said to me in October of this year because I have quite consistently raised this issue of if there are people who are not in captivity but still have live Americans here that are here of their own free will and volition, we would like to have their families relieved to know that they are here. And certainly, if they want to come back there would be no retribution.

The Prime Minister said to me, as best I can recall his exact words, that we do not know of any live Americans. Not only do we not hold live American prisoners, but we do not know of any live Americans. He said, I believe our security apparatus would know if there were live Americans. And none have been reported.

Senator SMITH. I know my time has expired. Just one final quick question.

The Secretary of Defense in his testimony mentioned the need for tri-lateral talks that would involve Laos. Since they were not a party to the peace accord in Paris in 1973 and therefore some unanswered questions remain.

Do you in your situation where you are dealing with the Vietnamese almost exclusively, would you support that, being involved in that kind of a situation of tri-lateral talks?

General VESSEY. Yes, sir. In fact, that was one of the things I urged in the last session in Hanoi. And it was not a new issue.

Senator SMITH. What is the current strategy as you understand it to get those talks going?

General VESSEY. Well, it was an issue raised in the technical talks a few days ago. And the final report of those talks, I have not seen it yet and I am not sure that it is here completely.

And so we will have to look at that. But I also talked to Secretary Solomon who has suggested that perhaps I should go to Laos. I told the Vietnamese I would come back in about a month's time. But it will be a month and a half or something from the time I was there. And perhaps I should go to Laos and work on this particular issue, if it was not worked out in the technical talks.

Senator SMITH. Thank you.

The CHAIRMAN. Senator Grassley.

Senator GRASSLEY. Thank you, Mr. Chairman, General Vessey.

First of all, let me thank you for your 5 years of work in this effort. And I commend you for your efforts to resolve these issues. I think my questioning would be a little bit along the lines of the

Chairman's questioning, what Senator Kerry wanted to focus on. But maybe mine would be just a little more focused than his.

My first question is to ask you to define what a discrepancy case is and what, if any, are the criteria for discrepancy cases? I would like an oral answer, but if that will not be complete, I would like to have you supplement it with any written response that you want to give.

General VESSEY. Let me use the definition I have used with the Vietnamese which is the one they believe and they have heard from me. And that is it is the case of an American, a missing American, for whom we believe we have evidence to show that he was alive at the time of the incident. That he survived the incident in which he was involved. That is, an airplane crash or a ground battle.

And further, that we have evidence that he was captured or about to be captured and did not come back when the prisoners came back. And whose remains have not been returned and for whom no other explanation has been offered for his fate.

Senator GRASSLEY. Who determines that a case is or is not a discrepancy case? And specifically, the second part of that is, who is in charge of the policy on discrepancy cases?

General VESSEY. Well, I do not believe there has been any really great formal mechanism for putting things into discrepancy cases. They were used initially, recognizing that there might be more discrepancy cases than we had.

If you really go back in the history of this thing and you will get it more accurately by the witnesses, when you go back into the post-1973 negotiations, there were a number of cases then, around 70 cases, that to my recollection that we believed should have come out who did not come out when the prisoners came out. And from that grew this sort of discrepancy case.

Now you will talk to some of the other Government witnesses who will give you a little more expanded definition of a discrepancy case. And it includes what I said, but also adds, or are cases about which the Vietnamese government should have information.

My recollection is that when that definition was built here, it included the cases of those who died in captivity from the south, the Vietnamese had reported that certain people had died in captivity or we had received reports from our own people that some people had died in captivity. And we believe that the Vietnamese should resolve those cases because the information ought to be readily available.

Senator GRASSLEY. Who today is in charge of whatever you want to call it, policy or not policy, but in charge of making determinations on these discrepancy cases?

General VESSEY. Well——

Senator GRASSLEY. Is there one person you can point to that is in charge?

General VESSEY. It comes under the head of Mr. Carl Ford who was sitting back here and is about to be one of your witnesses. And he can shed more light on that issue than I. But it belongs to the Secretary of Defense, obviously.

Senator GRASSLEY. Now a policy that you had nothing to do with, but in which you are part of an effort to get there—others here might disagree with me—that in my opinion we have a steam roller moving through our administration that wants to establish ties with Vietnam, normalization you might call it.

And of course, one of the steps toward normalization of these relations is the remaining discrepancy cases to be resolved. So my question to you is, as chief negotiator with Vietnam on this issue, have you felt any undue pressure to resolve these cases and close the files on them?

General VESSEY. No. No, sir.

Senator GRASSLEY. So there is no pressure?

General VESSEY. Certainly not from our Government. Now the Vietnamese government has quite consistently said, hey, you guys are not being realistic. We have gathered about all the evidence there is to gather here. But there is no one in our Government who has pressured any resolution of those cases.

Senator GRASSLEY. So once again, but put another way, there is no pressure on you that might influence your judgment about one case or another?

General VESSEY. What I have tried to do, Senator Grassley, is not be a judge in the cases. I do not want to be judge, jury, prosecutor, and what have you in this exercise. It seems to me it is very important to separate the duties here.

My job has been to build the relationships with Vietnam that would let the investigation go ahead. We have all sorts of other people who have examined these cases through the years and who know them backward and forward. And they can pick the cases of those who might have the best chance of being alive and ought to be included in the category of discrepancy cases.

So I have not selected any cases at all. I have reviewed the cases to make sure that I understand that they make sense and that I understand the arguments to be raised with the Vietnamese. But I have not selected cases. And I do not believe that I should pass on when cases have been resolved. I have not taken part in that exercise.

I think that the people who deal with that regularly need to be the judges there.

Senator GRASSLEY. One more question. And it will not require a long answer. I will not be done then, but I think I should stop at this point out of respect for my colleagues.

Let me just ask you, if this committee were to show, for instance, that a discrepancy case that has been resolved, a determination made that it is no longer on the list, and if we can show that it should not have been resolved on the merits, then on the merits it should remain open. Could we expect that the case would go back on the list of discrepancy cases?

General VESSEY. I am sure you could, Senator. But I would say to you that the only ones that our people have said have been completely resolved are those where the remains have been returned or those four cases where we have said, these people are dead and we are not going to recover the remains.

The rest, another 30-some, 31 or whatever it is, cases, we have said the fate is resolved. We believe the person to be dead. But we want the remains back and we are going to continue to search for the remains or expect Vietnam to cooperate with us in returning those remains.

So the resolution insofar as I understand it for the U.S. Government is if the person is dead, we want the remains back if they are, in fact, recoverable. And we are going to make an honest effort to try and recover the remains.

Senator GRASSLEY. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Grassley.

Senator McCain.

Senator McCAIN. Thank you, Mr. Chairman.

Just a follow up on what Senator Grassley was saying, very quickly. There are times that in these so-called discrepancy cases that the Vietnamese archives and information, then, is critical since sometimes we do not recover the remains. Is that right, General Vessey?

General VESSEY. Exactly. You are exactly correct, Senator.

Senator McCAIN. Which brings me to, in your dealings with the Vietnamese which you have now had the pleasure of being involved in for over 5 years, I would ask your personal view as to whether you are optimistic or pessimistic or somewhere in between that the cooperation that the Vietnamese have committed to will be come reality. And I am just asking for a personal view on that.

General VESSEY. I think it is becoming a reality and will continue to become a reality. I would also say that for us, I think we have learned that the answers are harder to find than we thought they were initially.

I personally thought, when President Reagan asked me to take on this job, I thought about 6 months of this and I would be back doing something else. But the answers are clearly harder to find than we thought they were. The Vietnamese archives, at least those that we have gotten into thusfar are not as good as thought they were. The information is harder to find. It takes a more diligent search than we expected.

Senator McCAIN. I am encouraged to hear about your commitment to the Laotian solution because, clearly, I think, General, it might be worth restating on the record that the proportion of those who were shot down versus those who were returned is directly out of balance as to those who were shot down and captured in North Vietnam. And clearly that part of the problem is very, very critical. I think you would agree.

Let me just make sure I am clear as to your position on this issue, if I could perhaps restate it, which I think by the way is exactly mine, that there might be or may be Americans alive in Southeast Asia, there are unresolved discrepancy cases, but so far there is no evidence that you have seen that there are Americans alive. Is that a correct statement or would you care to rephrase it?

General VESSEY. I would just say that other than the evidence we had to begin with which are the evidence in these compelling discrepancy cases plus the live sightings, we have unearthed no new evidence to indicate that there are.

Senator McCAIN. So we must continue to operate under the assumption that there are Americans alive.

General VESSEY. That there may be, I would say. And I think as we go through these, we have to be sensible and realistic ourselves as we go through and gather more and more evidence. I would say I have come to the conclusion that the probability of there being live Americans is, that the probability is considerably lower than I thought it was when I took on the job in 1987.

Senator McCain. There will be witnesses that follow you, General, that will allege that there is a massive cover-up in the Pentagon of this whole issue. And I wonder if you would express again your views, given your 49 years of experience and your 5 years of involvement in this issue. Is that, one, possible or, two, likely?

General Vessey. Well, I'm not the smartest guy in the world, and I admit that I could be hoodwinked on this issue, but I think it is very unlikely that you would have 150 or so people who are involved in it and have been involved in it continually conspire to cover it up without somebody blowing the whistle.

I just think it is very unlikely. I can't see any evidence of it, and I think that in America you can't get five people to cover something up together for very long, to say nothing of 150, and so I just don't think there's any cover-up.

Senator McCain. General, are you satisfied with the so- called road map as far as the United States policy toward Vietnam and the route toward normalization is concerned?

General Vessey. Well, I might have nit-picked it and made it a little bit different had I written it exactly myself, but it's fine. It's out there, and it will work.

Senator McCain. Have you seen any evidence that American prisoners of war may have been taken to the Soviet Union?

General Vessey. I have seen none.

Senator McCain. Do you think there is a possible scenario?

General Vessey. Well, it is a possible scenario, but I think that you would know probably better about this than I in talking to other former prisoners. Those that I've talked to didn't see evidence of where that might have happened. There are some anomalies in the interrogation of some of the prisoners, but I don't see any evidence of it.

Senator McCain. Finally, general, and maybe you don't feel qualified to respond to this question, Colonel Peck, who I met and spent some time with, has made some very serious allegations about the way that the office carried out their responsibilities, with the mind set to debunk and other areas of concern. Have you had a chance to review his allegations and made any decision or have any opinion on them?

General Vessey. Well, that belonged to the Secretary of Defense, and I've got enough work on my own to take care of without taking on the Secretary's job, and I know he investigated that and you are going to look into that.

I must say that I met with Colonel Peck a number of times and had a great respect for Colonel Peck's previous service, but the allegation that his own office under his direction was not doing the correct thing I found a little strange, because the people that worked for him seemed to be very competent and helpful to me.

Senator McCain. I would like to finally say—Mr. Chairman, I know I express the views of all of us—our deep appreciation for your very hard work and the enormous success that we have achieved so far. If in the view of many of us that is true, although admittedly we have a long way to do, it is directly due to your efforts, and we are very grateful to you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator McCain. Senator Kassebaum.

Senator KASSEBAUM. I would like to ask about a statement that was in the Washington Post last week that talked about—Vietnam Underlines Cooperation on MIA's—and in that piece the Deputy Foreign Minister indicated that they were going to release further secret documents regarding how many planes had been hit, and their records and so forth. I do not know if that was done. It was supposedly this week it was going to be done, or maybe last week.

But he also complained in that piece that the MIA effort had been complicated by the U.S. refusal to reciprocate Vietnam's release of old war secrets and "it would be better if the U.S. gave its classified information about how many planes were shot at, how many were shot down, and how many were missing." Is this a problem at all?

General VESSEY. Well, first, Senator Kassebaum, I'll tell you that that article didn't reach me in North Central Minnesota, so I didn't read it, but it seems to me that we have given Vietnam as much open information as we can on these cases.

I don't think he has an issue there, and I would say to you that I believe that the information he has talked about releasing is the same information I think I showed the committee members, at least the chairman and Senator Smith and Senator McCain in information found in Quang Binh Province during the 14th investigation, and it's my understanding that the useful part of that information was given to our people during the tech talks this past week.

Senator KASSEBAUM. What type of influence do you think Vietnam has at this point over Cambodia and Laos? Does it have enough that it can prompt them to move in a more constructive manner?

General VESSEY. I don't know the answer to that question, Senator. The Vietnamese officials with whom I've dealt say we can speak to the Laotians and the Cambodians but resolving problems in Laos and Cambodia is very much their problem, and they will have to do it there, but the Vietnamese officials did agree that both we and they would seek the cooperation of Laos and Cambodia in resolving the cases of those that were lost to areas then under the control of Vietnamese forces.

Senator KASSEBAUM. Do you think that the reason Vietnam appears to be so much more forthcoming and wanting to resolve the POW/MIA issue is that they really would like to be able to normalize relations and establish some trade?

General VESSEY. They certainly want to normalize relations. I think the Vietnamese leaders, and certainly one senses it from the Vietnamese people not involved in politics in Vietnam when you're there, that they recognize the world is changing very dramatically and they want to be a part of that changing world.

Senator KASSEBAUM. Thank you very much, General Vessey.

The CHAIRMAN. Senator Reid.

Senator McCain. Could I mention one thing, Senator Reid, very quickly? I would also like to express my appreciation, General Vessey, for stressing the continued reeducation camp detainees. He brings it up every time. There's 100 to 200 who are a still in prison after all these years, and as a humanitarian aspect I think it is very important, and I appreciate your efforts in that area, too, and there are hundreds of thousands of Vietnamese Americans who appreciate your efforts on their behalf, too, General Vessey.

General Vessey. I want to say, Senator, I have great hopes that the Vietnamese delegation in New York is watching the televised proceedings of these hearings and will hear those words and move out smartly with the review they promised and the early release of those remaining detainees.

The Chairman. Let me just say, if I can, that the committee will be traveling to the region in February and plans are already being laid for that trip and for meetings with the Governments of Laos, Cambodia, and Vietnam.

I hope that these visits will encourage cooperation from governments in the region while also allowing Senators to make judgments about the level of cooperation. Senator Reid.

Senator Reid. Thank you, Mr. Chairman.

When I served on the Foreign Affairs Committee in the House we held hearings on this issue, and that was many years ago, and I think kind of the shame—and maybe that is too hard a word, but the difficulty with all of this is we have waited so long to try to do something like this, and it was, I think, as a result of those photographs that came out and a number of other things that focused attention on this that we are doing it, and I am glad we are doing it, even though it is late in the game, because I think we are doing it with some finality.

General, Secretary Cheney testified today that there are 88 additional staff that he has working on this, and you have indicated there are about 150 I think you said, working on it. How many Vietnamese are working on it? You have indicated there are some people in the wooden canoes and flying these old beat-up helicopters, but the point of the matter is, how many of those are there?

General Vessey. I can't give you an exact number. Of course, it varies from time to time. What the Vietnamese Office for Seeking Missing Persons does is go out into the provinces to generate support at the time, and the Foreign Minister, when I was last there, gave me a number of—I guess it was in the next-to-last trip that Minister Thach gave me a number of the man-days that Vietnam had dedicated to this issue since we started the joint investigations in 1988, and if it is even within 20 percent of being correct, it's a staggering amount of man-days that were devoted.

Senator Reid. Do you remember what the figure was?

General Vessey. I can't remember. I'm sorry to say I can't remember, but I was thinking that we had perhaps spent about 3,500 or 4,000 American man-days on the ground in that time, and my recollection is that the Vietnamese figure was around ten times. That is what he gave to me. Now, what is counted in that, I can't tell you.

Senator Reid. On page 15 of Secretary Cheney's testimony he indicates that some of the most vexing questions remaining from the

Vietnam War relate to the unaccounted for in Laos of the 528 Americans who remain unaccounted for in Laos, 335 are in the category of POW/MIA. At Operation Homecoming, only 9 Americans captured in Laos returned as POW's. Now, that percentage of difference is significant, is it not, as compared to, say, Vietnam?

General VESSEY. Yes, it is, but I would say to you that the 335 that are in the category of POW/MIA, and it's my understanding that that's kind of where they are now, that number included only a fairly small number of people who were believed to be prisoners, and as you talk to the later witnesses you have people out here, sitting here today who know more about that than I. Now, these other people were missing, but not necessarily believed to be prisoners.

Senator REID. That is something we should pin down.

General VESSEY. What you need to do is get at the facts in that issue. It is an important point, and as Senator McCain said, the percentage of those who are missing is much higher—unaccounted for is much higher from Laos than it is from Vietnam.

Senator REID. We do not like to think about this, much less talk about it, but a large number of the people that we are trying to account for could have been killed, is that not right, after they were on the ground, for example?

General VESSEY. Yes. Yes. In fact, that is what we are finding in the discrepancy case investigations in Vietnam. We're finding that some of the people tried to escape and were killed, or they died later from wounds that they received at the incident, or whatever it was.

Senator REID. Are we going to be able, do you think, General Vessey, to get information in that regard?

General VESSEY. Vietnam since 1988 has been more cooperative in telling us what happened to the people. When the first sets of remains came back in 1987 and 1988 they gave us a little narrative of what happened to the person, and by and large, at least they were not inconsistent with what—with the information that we had.

Senator REID. How many of the missing-in-action POW's were airmen as compared to on the ground?

General VESSEY. If I can search in my bag here, I'm sure I have that on a card. I say that, and I probably won't be able to find it.

Senator REID. General, you can supply that for the record, but do you have an idea?

General VESSEY. The total—well, let's just put it in the record. We will give you the exact numbers in the record, and that saves me fiddling around in my briefcase here.

Senator REID. I just need a general idea. You can put the exact figure in the record, but is it 80 percent, 50 percent?

General VESSEY. The largest number of the 2,273 unaccounted for in Vietnam today, the largest number are Army, and the second largest number is Air Force, and then it goes down, Marine Corps, the Navy, is my recollection, but one of you guys has surely got that number some place.

All right, of that total, of the 2,271, now, 674 are Army, 448 are Navy—I'm sorry, 823 are airmen, so the largest number is Air

Force. Most of the Navy people are aviators, 283 Marines, 1 Coast Guard and 42 civilians.

Senator REID. Thank you.

The CHAIRMAN. Senator Robb.

Senator ROBB. Thank you, Mr. Chairman.

General Vessey, you have always been very forthcoming with all of the information that you have been able to share with any of us in any fora that we have had an opportunity to hear you. I would like to focus for just a minute on the kinds of information that you do not have but think might be available.

I wonder if you could address the question of any types of information that is otherwise ascertainable, as far as we know, but not currently available to you, that might be within the Vietnamese sphere of influence or other Southeast Asian countries' influence, or the kinds of procedures that have been denied to us and the kinds of access, that have been denied to us as well.

What is it you would most like to have in fulfilling your mission that is not currently available and, from the point of view of this particular committee, what kinds of information might we be able to gather from whatever sources are available to us that you have not been able to gather and would be helpful in the totality of resolving the individual cases and the overall concerns about those who may or may not still be missing?

General VESSEY. From Vietnam, is it clear that historical records, there are certain sets of historical records that are very important, and the list of prisoners that they had for example would certainly be very a very illuminating document.

The results of their efforts to recover remains, now whether or not they have this in any sort of records, I am not sure because this was sort of a decentralized operation, they gave instructions to subordinates unit to collect remains and information about Americans that had been killed.

If there is some sort of a record of that, it would be particularly useful, even if it is not a centralized record, if we are able to get that record from provinces or military regions or whatever it happens to be.

Senator ROBB. General, could I interrupt? Have you specifically requested that precise information?

General VESSEY. Yes.

Senator ROBB. And what has been the basis of the denial of that information?

General VESSEY. In fact, it has not been denied, Senator. What we agreed in October in Vietnam was that Vietnam would conduct a prompt and diligent search for all historical records that might pertain to the fate of missing Americans.

Now if in fact that is carried out, we will get the information we are looking for and we have said that we will help provide technical assistance and that is, tell the Vietnamese to the best that we understand, where they might search for those records, that is, what particular units and so forth might provide that search.

And in our Defense Intelligence Agency we have people who have studied this problem for years and they know which records to get at. Now it is my expectation that working through our office in Hanoi, that we will relay to the Vietnamese where we believe this search should take us and then the Vietnamese will be forthcoming with us and tell us what records they have and where we might find them, and we have what I said I hope we would have is honesty and diligence on both sides, we will get the answers.

Senator ROBB. Have you yet encountered a situation where you knew or had every reason to know that a particular document or set of documents existed and that they specifically denied you access for any particular reason?

General VESSEY. Well, for example, the document that was found in Quang Binh Province during the 14th investigation, we were given only the extracts from that document that pertained to the particular cases that were being investigated in the 14th investigation.

When I raised it with the Vietnamese officials in Hanoi, they said, well, you will eventually get all of that information, but we are doing first things first. We had agreed that we would investigate these cases, so we are investigating those cases and we are giving you that information. When we get to the other cases, we will give you the other information.

So I urged them, please, do not do that, give us all the information that you have, whatever cases they are on, so that we can move on with all alacrity to resolve this whole issue, that is in your interest, it is in our interest.

Now since then we have, it is my understanding that in the last technical talks we have gotten most of that information, but again, you see some of the same thing that occurs here within our own government, it seems to me, I have heard that our people were told that the Vietnamese defense department said they cannot give the whole document because it also contains classified information and they will give us the extracts which pertain to ours.

So there is a certain amount of bureaucratic problems that the Vietnamese have to go through to solve this information release problem too.

Senator ROBB. Do you think they understand that their credibility is judged at least in part on their willingness to provide information that is available to them?

General VESSEY. Certainly, the officials with whom I deal understand that, but it is kind of like dealing with the American Government too, in that maybe the guy who has the file does not quite understand it the same way that this boss understands it.

So it is something that we have to work through in our country, and they have to work through in their country. I do not know how this agreement for the fullest, for this prompt and diligent search will come out, but if it is done correctly, we should get the answers and it is my hope that our people will work with the Vietnamese and I intend to go back to Vietnam in some week's time, before the end of the year and see how we are doing with that.

Senator ROBB. Mr. Chairman, I see that time has officially expired. Could I ask just one additional question, just while General Vessey is here? General, you have had an opportunity to work with both the immediate past prime minister and foreign minister and have met with, at least once, the new prime minister and foreign minister.

Do you ascertain any changes in terms of official government policy with respect to this particular issue that is discernable at this point?

General VESSEY. I came away, certainly pleased with what the new prime minister and the new foreign minister said. They made it very clear that they wanted to resolve this problem. They also said they are going to continue to cooperate on this problem as a humanitarian issue, whatever the United States does, whether—the prime minister used for example, the President's recent renewal of the trade embargo.

He said, Prime Minister Vo Vat Kiet said, we did not like to have the trade embargo renewed, but he said, I want you to know and I want you to tell the President that we will continue to cooperate on POW/MIA because we think it is a humanitarian issue and we owe it to the American families as a humanitarian gesture and we are going to continue to cooperate on this issue if the President renews the trade embargo five more times.

Senator ROBB. Thank you, General Vessey. Mr. Chairman.

The CHAIRMAN. General, before we break, I think we have a few more questions we would like to ask you. I would like to just do a little bit of housekeeping if I may.

First thing, I just would like you to know that Senator Smith and I invited Ambassador Lang of Vietnam's Mission to the U.N. to be here so that they do not have to watch it on TV, and in fact, the ambassador is here and listening to these hearings.

General VESSEY. Good.

The CHAIRMAN. And I hope that that will help communication in this process.

Second, I want to emphasize what is obvious to a lot of people, when you have 12 Senators asking questions of one witness, inevitably time is chewed up and we all recognize that, and I want to underscore that the committee does not view these public inquiries as all inclusive by any sense of the word.

There will be questions submitted in writing. There will be depositions taken outside of this process, all of which will be made part of the public record. But we do want as much of it to be, at least in the outlines, conducted in public so people can see where we are going and understand the methodology. We particularly wanted to establish the baseline for where we are beginning from for the rest of what follows.

This afternoon we will be hearing from other members of the administration who have detailed knowledge of some of the things that you have alluded to today, and tomorrow, we will receive a very important testimony from those who are on the ground in-country, both in intelligence as well as in the field who have been pursuing this for a long period of time.

Then we will hear from families and their perspective, and we will hear from veterans' groups in this country and their perspective, and then finally on the third day we will hear from some of the critics of the process, those who have a different point of view.

And the committee will then begin its analysis of much of what has been laid out here, and as I said earlier, we will have a public airing of that analysis when the committee deems it has some story to tell or some conclusions to draw or a capacity to put something out publicly.

I would just like to come back to a few things if I can quickly. You discussed a moment ago how we classify some of these people and the judgments that we have to make, and obviously these are very tough judgments in some cases.

The question arises whether or not there has been some effort within the process because of the nature of the toughness of the decisions, for instance, if there is a determination that someone was tortured and died subsequently, or if there were a determination that the circumstances surrounding someone's disappearance might be embarrassing, is it fair to say that you have knowledge of or have come across some situations where those determinations might exist and there has been an effort to spare a family or to not exactly tell a whole story and that that might have left some of those question marks hanging out there?

General VESSEY. I am not a good one to answer that question, Senator. It is my understanding, and it has also been my great hope that the families would be told whatever it is that can be told the families.

The CHAIRMAN. Do you know whether or not families have been told in all cases the full measure of what the government knows regarding one of their loved ones?

General VESSEY. It is my understanding that the policy is that if the family wants all the information, they can get all the information, but where—if it is simply that the serviceman was killed in action, and the family does not desire anymore information in that particular case, that the additional information has not been provided.

But again, I am not the expert on that particular field, and I think you ought to——

The CHAIRMAN. Fair enough. Well, as I said, General, the committee is determined to ask some tough questions through the course of this and some of them may not have answers that are altogether happy or pleasing and I think if we do not do that we are not going to get at this correctly.

General VESSEY. But I believe I should tell you a couple of other things that pertain to your question on another facet of that point, and that is that in terms of classifying these particular cases into discrepancy cases or last known alive and so forth, it is my own personal view that our people are bending over backward to give the benefit of the doubt to having the person be alive.

For example, I recall in the original set of discrepancy cases an argument that was going on about whether or not a fellow who dropped from a helicopter that was 100 some odd feet in the air should be included or should not be included, and I think they finally included him.

So that is the sort of extremes that our people go to keep the possibility of somebody in there who might have a chance.

Now on the Vietnamese side, my approach with the Vietnamese is that we are not trying to reconstruct the past or come up with war crimes trials or any such thing as that. We want to know what happened to our people. First we want to know, are there any live Americans there? And we are not going to ask the question about what you said in the past, that you said you were not any, and now there are, I mean, fine, if there are some, let us have them, and we are just going to ignore the past statements.

And if people have been killed under circumstances that are embarrassing, we are not going to make an issue out of that. What we want to know is where are our people, how do we—what happened to them? We are not going to make, we are not going to come back and say, you should try the person who killed this person or something like.

We agreed when I first met with them that we cannot go back and reconstruct the past. We cannot change the past. We have to start from, then it was 1987, we have to start in 1987 and go forward.

So that has been our general approach with the Vietnamese. We have not looked for opportunities for recrimination or some such thing as that, and what happened to these people.

The CHAIRMAN. I think that is an important statement, and an important policy. I would hope my colleagues also think it is an important message in terms of breaking the logjam. There is, after all, another side which we all know which is that we also took prisoners and I am not sure that we can account for all of the prisoners that we took.

And I can certainly say from this Senator's experience that there are some instances where I know some prisoners disappeared and that was the nature of the war. And so I think if we all get back into that, we are really not going to resolve this and it would be an enormous loss. So I share that view, and I think it is important.

Let me ask you also, General, among those 2,273, were any known to us to be or classified as deserters?

General VESSEY. It is my understanding that none were classified as deserters. Now there is some evidence in some very few cases that some might have been there under their own free will. Later on there was some evidence that came up, but the evidence is pretty scanty and certainly not something where you would want to—I would not want to accuse any of these guys of being deserters or anything like that. There is just not evidence to do that.

In the cases I have personally reviewed, I do not see any deserters or collaborators or any such thing as that. They were honest soldiers, sailors, airmen, marines and one Coast Guard.

The CHAIRMAN. There is a body of about what, 40 some civilians, is that accurate, who are listed as——

General VESSEY. Yes, sir, 42 in Vietnam. Now there are more in Laos and I do not have that number, but I am sure you will get it from the others.

The CHAIRMAN. I think what is going to be important is as the committee reviews this, obviously, to try to make some judgments about that. I think that as we get into the Bobby Garwood piece of this, there will be questions raised about that sort of treatment, and whether or not that might have served somehow to send a message that had a negative impact on the possibility of finding some other people, and I think that is something the committee needs to look at.

General it is my understanding that the search and rescue reports, the SAR mission documents have been destroyed, I gather not through some ill-conceived intent, but rather as a matter of pro forma destruction of documents.

Now this strikes me as being absolutely contrary to the concept of this being one of our highest priorities and can you confirm that? Is that accurate?

General VESSEY. You will have to get the experts to do that from the efense Department. That is my understanding too, I found——

The CHAIRMAN. It is your understanding that those documents are gone?

General VESSEY. That the search and rescue squadron documents have been destroyed, as the normal destruction of documents. But let me say that it was not, it was probably the belief that all the information pertaining to the POW/MIA people had been gleaned from those documents certainly before they were destroyed.

But I guess it points up an anomaly here. We get rid of unclassified material that might be good material and classified material that might be worthless hangs around for a long time because it is classified.

The CHAIRMAN. Is it your belief based on your 5 years in negotiations that Vietnam genuinely wants to resolve this issue?

General VESSEY. I believe they do.

The CHAIRMAN. And is it your belief that the agreements that have been reached and I distinguish agreement from cooperation, but the agreements that you have reached are sufficient at this point in time to permit us to resolve this issue?

General VESSEY. I believe we have the broad outline agreement to resolve the issue. Now we may need agreements on details inside of those other agreements, but I believe, as I said in my statement that we have the agreements to move toward fullest possible accounting. If we get the right cooperation and level of effort from the government of Vietnam and that we in fact do our work ourselves. We have a lot of work to do too.

The CHAIRMAN. And assuming that that cooperation is forthcoming to give flesh to those agreements, how much time do you believe it would take to resolve this issue?

General VESSEY. Well, the fullest possible accounting will go on for a long time. My oldest son is the deputy chief of mission in our embassy in Papua, New Guinea and every once in awhile he writes to me about Americans having a crew down there in Papua, New Guinea recovering remains from people who were lost in World War II.

So that is almost 50 years, so that part of it may go on for a long time, but the issue of being generally satisfied on the live American thing, we are going to prove a negative there in the live American thing, so you really do not prove it conclusively because every one has some probability, some possibility of being alive, so finally you do not prove that until you get through all of it.

But certainly we will shed an awful lot of light on it with good cooperation from the Vietnamese government and good diligent work by ourselves in investigating these discrepancy cases. We will have a much better view of whether or not Vietnam is telling the truth when they say, we do not hold live prisoners.

The CHAIRMAN. Is it fair to say then, that the process of getting remains and the process of carrying out these agreements could go on for a long period of time?

General VESSEY. I think the remains issue is a difficult one, because the losses in the south are battlefield losses. Those will be far more difficult cases to investigate. There will be less historical records there and the precise locations will be more difficult to find.

The air losses in the north, I think, the additional remains will also be difficult to recover now because by and large these crash sites have all been scavenged by people looking for metal and so forth, and so, there are very—I do not know that we have found any new virgin sites that have not been scavenged in some way or another in recent times, I think every one we have gone to.

And those people that were lost in the north in crashes, some there were identifiable sets of remains and got a lot of those earlier on, but as I pointed out in listing the remains that have back since 1987, there are 100 sets out there that might be American remains which the anthropologists will tell you, these exhibit evidence of remains that have been, that have come from airplane crashes. They are sorts of fragmentary remains that come from airplane crashes, and lacking the contextual background for that particular set of remains, unless you get something that is good from the skeletal remains itself, you cannot identify it.

Whereas, if you know that an airplane crashes over here and Bill Jones and John Smith were two guys in that airplane, Bill Jones was a big guy and John Smith was a little guy and you go to that airplane site and you find some remains of a fellow that was a big fellow and some of a little fellow, you know which was which by process of elimination, even though you did not have all the forensic, anthropological means of identifying each of those sets of remains.

Now once these remains have been picked up and moved around, and we do not know which crash site it came from and so forth, they are very difficult to identify and that will take an awful lot of work.

The CHAIRMAN. The real test here, General, will be in the next months to make a reasonable judgment that the agreements are being given the flesh of cooperation, that it is the fullest cooperation possible, and finally, and most importantly, that we are satisfied to the best of our capacity and judgment that no one is being held alive, is that correct?

General VESSEY. I think that is a good statement.

The CHAIRMAN. And do you see that as something that can be resolved over a period of months?

General VESSEY. Every time I have said it could be resolved over months, it has taken years, and it always turns out to be harder than we thought it would be. It seems to me, it is my intention to go back to Vietnam between now and the end of the year and look and see how we are doing with the specific agreements that we reached in October which is the broad framework for moving ahead on the fullest possible accounting.

And it will probably be another 6 months or so before we really know that all of that is in place and working well. We will have some refinements to work out which we will work out in the technical talks.

These discrepancy cases, the original 119, have turned out to be far more difficult than I thought they would be. When I gave Ngugen Co Thach the first 70 in June 1988 I believe it was, I gave him a list, and I divided it up into a book by reading the cases myself and saying, you ought to be able to resolve this number in 30 days, this in 60 days, these in 90 days.

Well, we are still, we are years down the road and we are still working on some of those cases.

The CHAIRMAN. Final question before I turn to my colleague, some of us have argued and I emphasize the individuality of this argument within the context of this committee, that some of us have argued that the POW/MIA process and the putting to test of Vietnamese intentions would be greatly enhanced by getting more and more Americans in-country.

The more people there are, the more flow of information there is potentially and if there were somebody alive, the better chances of finding him. How do you react to that concept?

General VESSEY. I think that is right. Vietnam is far more open today than it was just a few years when I started in this process. There are two sides to that. One is you will have more eyes looking around there and seeing things.

The other thing is you probably are going to have more live sightings too. A live sighting today of a caucasian being seen some place in Vietnam probably does not mean anything at all because there are all sorts of caucasians running around there now.

The CHAIRMAN. Senator Smith.

Senator SMITH. Thank you, Mr. Chairman. I know it is almost time to wrap up here. I do want to make two or three points. I do want to, based on what General Vessey said and what the Secretary of Defense said, I would like to put on the record a request that the committee do look into those discrepancy cases and the background that led up to each of those discrepancy cases.

Two or three quick points, General, you mentioned regarding the cooperation with the—internal cooperation with the DIA and the fact that they have worked closely with you and in harmony.

But it has been said that there has been some criticism about this discrepancy process, that is not working and that the DIA basically indicated that to you. A, is that true, and if it is, what did you do about it?

General VESSEY. I do not recall anybody in DIA telling me anything about the discrepancy business is not working.

Senator SMITH. So there was never any request by you to anyone at DIA to review any findings regarding a discrepancy case process?

General VESSEY. That is not the answer to the first question, and I want to make that clear, that I argued—these guys will tell you, I argue with them all the time, that we are—and I sit down and go with them through the cases and so forth and the evidence and challenge them on how they came to it and so forth and we have some knock-down-drag- outs.

But, sooner or later you have to make a judgment but I have let them make their own judgments in these issues, but I have, as they will tell you, continued to challenge them. So to say that all has always been sweetness and light between me and every member of the DIA and their analysts would be totally wrong because it is not the case.

And it has not been in my lifetime on issues other than POW/MIA, the intelligence officers that have worked for me through the years know that I am going to wrestle them to the ground on how they come to their conclusions because I think it is important for me to understand it in dealing with the intelligence, that it is important for me to understand how they came to the conclusions they came to, whether it is POW/MIA or the probability of enemy attack or where the enemy is or whatever it happens to be.

Senator SMITH. Again, focusing on the discrepancy cases, one of the concerns that I have regarding any movement to normalize, which is a policy matter which is not the scope of this committee and I do not want to get into it, other than to just simply mention it in passing, is that I have seen some of this intelligence myself and I know many in the agency that I have talked to feel that there are substantial number of remains that they still have, the Vietnamese still have knowledge of, whether they be in a warehouse or some other definition of a warehouse or whatever the heck you want to call it.

And that they are not forthcoming with that information, and that in effect, the DIA has briefed you on that and you are aware of that. So how can we then say that we are making progress in this discrepancy case approach, if we have accounted for a very small, nominal number of discrepancy cases and yet they are still, allegedly based on our intelligence, whether that is accurate or not remains to be seen, but some 400 at least, cases of remains that are still lying around.

Surely, if they are going to be somewhat reticent to provide information on remains, they sure as heck could be very reticent to provide anything on live Americans as I would interpret that.

General VESSEY. That is correct, if that is in fact the case, that they do have 400 sets of remains. I do not know whether they have 400 sets of remains.

Senator SMITH. Has the DIA ever indicated to you that they think there are 400——

General VESSEY. There are people in the DIA who believe that they might have several hundred sets of remains, and I tried to lay that out in my statement there, that yes, you can build a case, you can build a pretty good case that Vietnam likely has a number of sets of remains.

Now, there are also, it is fair to say, and you will get into all of this, you will see that there are some, I do not want to call them weak reads, but there are some single source bases for these conclusions and you have to evaluate that, what the Vietnam leaders at the highest levels of the government say, we are not holding remains.

Now they are saying, we are continuing to try to collect remains, and that Vietnamese people have remains. So I do not know what the answer to that is, and as I tried to say in my statement, we will just have to continue to work and let the facts come out for themselves.

What we want are the remains back if they have remains, I cannot for the life of me figure out why they would keep them. We are certainly not going to pay them any money for them, or the time for bargaining is gone. The bargaining days are over on this issue, and so if they do have remains, I hope they will return them quickly, and if they do not have, well, we do not have them.

And we cannot—we do not know the answer to that question and as you say, you can build a case that says they well may have a certain set of remains, and you build it on this sort of logic chain, but there are some things that might not be totally correct in that logic chain.

Senator SMITH. I am assuming that this information has been presented to the Vietnamese by you as have the discrepancy cases——

General VESSEY. Ad nauseam.

Senator SMITH. OK. One final point which I think is very important to the hearing and to the whole investigation, and it is the final point, Mr. Chairman, is that this whole definition of evidence fascinates me as to what evidence is.

The mortician, alleged mortician made a statement that he saw or was personally involved with a number of remains, and it is my understanding the agency believed him and he was, as a result of that, we were pursuing this information on remains.

And in the Clarence Thomas hearings, one statement, one witness alleged evidence, almost denied an individual the Supreme Court. I assume that would be considered evidence. Whether or not it is accurate, it is still evidence.

I am just fascinated by the definitions here. We have evidentiary information that has been provided by our sources and methods of intelligence which basically concluded in a number of discrepancy cases how people died; but whenever similar evidentiary standards are applied to why somebody lived, it does not relate.

I want to finish the point here and let you respond. My definition is a high bar. You can say we need one lie detector test and we can raise the high bar and say we need two and then we pass that and then we raise it again and say we need three and then raise it again and say we need four or five witnesses to review this.

Let me bring it right to the point, on page 5 of your statement on number A at the bottom, second paragraph from the bottom, there are some additional salient points on the live prisoner issue, quote: "We know through extensive debriefings and subsequent investigation, that all Americans seen by U.S. POW's in the Vietnamese prison system have been accounted for as returned POW's or through returned remains or having been reported as having died in captivity."

Now based on that statement, I would assume, and if I am wrong please correct me, that if POW John McCain or POW Red McDaniel or Robbie Reisner or any other POW who had come home had said to you, General Vessey, I saw five guys here are their names. They are not on the list. I was with them. I was there. They were with me side by side and I turned and I walked out to get on the plane to come home and I looked around and they were not here, and here are their names.

Am I to assume that that would be evidence in your definition, evidence, that those men were alive and are presumed, at least presumed to be prisoners of war at the time that those men left?

General VESSEY. Yes, unless there were other evidence that countered it——

Senator SMITH. But assume that there was no other evidence, you would take the word of John McCain or Robbie Reisner or any other POW, correct?

General VESSEY. Right.

Senator SMITH. Well, this is where I have a problem, in 1975 Robert Garwood was still carried as a prisoner of war, nobody knew anything—at least nobody was admitting anything that they knew about what he did or did not do in Vietnam, and he still says to this day he was a POW. He still says to this day that he saw live Americans that did not come home after everybody had come home.

Why is that not evidence?

General VESSEY. Let me say that my statement here is post-Garwood, and I am back to what I said we were doing with the Vietnamese. I have not gone back and tried to reconstruct the——

Senator SMITH. But Garwood still maintains, General, he still maintains——

General VESSEY. I would tell you that you will just have to listen to Garwood and make your own judgments.

Senator SMITH. Well, I probably will.

General VESSEY. Garwood has not been forthcoming to the Department of Defense and——

Senator SMITH. Well, that is incorrect, but I—that is not correct.

General VESSEY. That is a matter of judgment and let me say that I have not dealt with Garwood. I would not know Garwood if he walked across the floor here today, but there are a lot of people around who have dealt with him and you will just have to take the Garwood thing and wrestle it to the ground.

Senator SMITH. Well, I do not want to argue with you, but I just want to make a point that Robert Garwood was a POW.

General VESSEY. Robert Garwood says he was a POW.

Senator SMITH. He certainly was a POW, General.

General VESSEY. He was captured.

Senator SMITH. He was wounded in a capture. He killed at least one Vietnamese in the capture, that is certainly not desertion as I understand the definition of desertion. So at one time he was a POW, and all I am saying is that Robert Garwood said he saw live Americans and so I do not think it is accurate to say that no one POW has ever said he did not see other POW's because Robert Garwood did.

That is all I am trying to point out, I am not trying to argue.

General VESSEY. May I just say to you, look at all of the statements that Garwood has given. The statements that he gave when he first came back and the other statements that he has given and look at all of them and then make your own judgment.

There is no point in you and I arguing about Garwood. We could stay here all day long and I accept your point.

Senator SMITH. All I want to say is that in definition of evidence——

General Vessey. And I would happily change my statement to other than former one time POW, alleged POW, Robbie Garwood, I would change my statement to make that correction.

Senator Smith. Thank you, Mr. Chairman.

The Chairman. General, let me just say again that Mr. Garwood will be completely debriefed and deposed by the committee. All his prior statements will be sought by the committee, a full analysis and comparison will be made and as you said, General, we are going to have to wrestle that one to the ground and the committee will do its best to do that.

You made one comment and I would just like to come back to it and then we will close off. You said that you have come to believe that the probability of someone being alive is very low.

General Vessey. No, I said it was far lower than what I thought it was when I started this thing.

The Chairman. Can you quantify it? I do not want to pin you down but I am interested, is there any way to quantify that?

General Vessey. I do not want to start—I made that sort of pledge to myself that I was not going to start guessing about whether or not there were people or not, and I think I would kind of like to stick to that. I would just say to you that based upon what we have learned in examining these discrepancy cases, that there were cases that looked like they really had the best chance of being alive.

We have resolved many of those cases, and they are not alive.

The Chairman. So the ones where you made a judgment based upon your experience and neutrality and not even neutrality, but based upon your commitment to the presumption that somebody was alive, you approached this saying, we are going to believe somebody is alive, correct?

General Vessey. Yes. Reading these statements, I said—I would read those statements, and I would say, here is a real discrepancy case. This is one that——

The Chairman. You were excited about the possibility that you might find somebody alive in that case or that there was a legitimate question——

General Vessey. Certainly, a legitimate reason for investigating the case.

The Chairman. And those cases were the ones where you thought there was the best opportunity for you to find somebody alive?

General Vessey. Yes——

The Chairman. Based on your judgment, looking at all the cases——

General Vessey. Let me say that I did not make the judgment, this was the best and this was the least best. What I did is I read those cases and I said, these are real discrepancy cases and they ought to be investigated.

The Chairman. And each of those cases——

General Vessey. I did not categorize them as 1, 2, 3, 4——

The Chairman. But in each of those cases where you thought you had the best shot——

General Vessey. In many of those cases.

The CHAIRMAN. In many of those cases, you found, where you resolved them, they were resolved that the person had died?

General VESSEY. Right.

The CHAIRMAN. And the remains have since been recovered?

General VESSEY. Well, not in all cases. The remains have not all been recovered.

The CHAIRMAN. But you made the judgment that they had died?

General VESSEY. Our people have made the judgment that the person has died.

The CHAIRMAN. General, is there any degree that you sense that because of the sensitivities of this issue, because of the extraordinary gaps in information, et cetera, that there has been a walking on eggs sort of attitude in the Defense Department that has restrained people from communicating or fully communicating and that has created more questions?

General VESSEY. No, I do not think so. I would say to you, that we are now 18 years from the end of the war and the people, the Defense Department at that time had a great deal of sensitivity to the families and so forth.

Now the people who are casualty officers now are long since removed from the war in Vietnam. I suspect that many of them did not fight in the war, and so when you hear—I wrote a little note when somebody talked about alleging why information was not given to the families, there are two things.

One is that the department does not want to give wrong information to the families, and that came out very much in the secretary's talks about the friendly fire issues. But I would also say that it is a long time since the war now and there have been great many turn overs in casualty officers and so forth and what the department needs to do is certainly have sensitivity training or something for the people that deal with the families, recognizing that the issue has stayed with the family. That is their loved one and no changes have been made in that.

He has been gone since the war and has stayed gone ever since the war and that issue still burns with that family. So what we need to do is have the sensitivity in the bureaucratic and I would say, even with the committee in dealing with this thing, is recognizing that. It is hard to do.

The CHAIRMAN. I realize it is hard to do. I think perhaps there ought to be a new commitment in the effort to try and deal, particularly with those families that are most concerned, and I think the Secretary incidentally indicated that.

I think that in the wake of the Stevens photo, there has been a better effort to try to respond to that, but I think there are a lot of families still out there that have questions that do not feel like they have the full sense of their file or that people are there and available.

And it might be a good idea to kind of go back to square one here and identify any or all families that might have that kind of question, identify the degree they feel they are outside of the loop, and get a review process that satisfies their questions. The committee here, I can assure you, is hearing from those people and we are going to be coming to the department anyway and saying this person is alleging this or that and trying to track it down because I think that is one of the things the committee can perhaps help bring to closure.

General VESSEY. I think that is right and I think we heard that commitment from the Secretary of Defense this morning, and I would also say that given the new openness of Vietnam or the apparent new openness, time will tell whether we actually have new openness, that the Secretary has devoted additional resources to this problem.

It is being reorganized within the department to take advantage of the new openness and so I think there is a great opportunity for the department to review this whole matter and I am confident that they will do that.

The CHAIRMAN. Well, General, again, we appreciate and respect enormously your efforts on this and we are very grateful to you for taking the time to be here this morning. We will leave the record open for the submission of additional questions in writing and also for the submission of those answers that you wanted to put on the record, reflecting the figures that Senator Reid and others asked about.

We have a lot of ground to cover. Let me just say the next round of witnesses, that we would request summaries of about a 10 minute period of the testimony. The full statements will be placed in the record. We want to maximize the time for questioning and we will reconvene here at 2:15 p.m.

We stand in recess.

[Whereupon, at 1:35 p.m., the committee recessed for luncheon, to reconvene this same day, November 5, 1991, at 2:15 p.m.]

AFTERNOON SESSION

The committee resumed at 2:15 p.m., in room SH–216, Hart Senate Office Building, Hon. John F. Kerry (chairman of the committee) presiding.

The CHAIRMAN. The hearing will come to order. I am determined that we try to run these hearings on normal people time and not U.S. Senate time, so we are going to start these things when we say we are going to, and we are going to try to move them along as expeditiously as possible.

This afternoon, we are continuing the first set of hearings of the MIA/POW Select Committee and we will move forward with testimony from the administration. For those who are just either tuning in or arriving or paying attention for the first time, through this afternoon we will hear from various administration officials who have been personally and deeply involved in this issue over a period of time.

Our witnesses are Mr. Duane Andrews, the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence; Ken Quinn, Deputy Assistant Secretary of State for East Asian and Pacific Affairs; and the Chairman of the POW/MIA Interagency group, Mr. Carl Ford, the acting Assistant Secretary of Defense for International Security Affairs together with Michael Ryan and George Christmas. And finally, Dennis Nagy, the acting Director of the Defense Intelligence Agency accompanied by personnel from the department.

Now that is a lot for one afternoon. We are going to do the best we can to move through this.

I repeat, because I keep feeling it is very important for all to understand, these are the baseline hearings. It is important for us to establish what we are doing today, what the current standards are that we apply today, how we are approaching this issue today, and also to try to draw on people's assessments and judgments about past efforts insomuch as they help shed light on the overall affair.

But I think that nobody should mistake this as being the final word with respect to any of the inquiries that are being made in the course of today.

Now I would ask you, Mr. Andrews, if you would please, if you could summarize, in 10 minutes or so, to the best of your ability and then we can proceed into the question period, and to whatever degree your statement is not reflected in that 10 minutes, we will put your full statement in the record.

Thank you for being with us. May I ask you if you would stand so I could swear you in please.

Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

Mr. ANDREWS. I do.

STATEMENT OF HON. DUANE P. ANDREWS, ASSISTANT SECRETARY OF DEFENSE, COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE, DEPARTMENT OF DEFENSE

Mr. ANDREWS. Thank you, Mr. Chairman, Senator Smith and Senator Grassley.

As you requested in your letter of October 17, I am pleased to summarize the process and the key findings of our inquiry into the Colonel Miller, Mike Peck's allegations of an impropriety in the POW/MIA resolution process.

I am not formally part of that process, but I am responsible for the staff oversight of the Defense Intelligence Agency, and while I can address our management inquiry, specifics concerning the details of POW/MIA policies, practices and procedures would best be directed at members of the IAG and especially DIA and Carl Ford which you will heard from later this afternoon.

Regarding the Peck matter, as soon as Secretary Cheney learned of Colonel Peck's allegations, which was the day following his departure, he asked me to work with Mr. O'Donnell, the general counsel of the Department of Defense, to look into Colonel Peck's complaints.

Secretary Cheney wanted to know what was wrong and as you know, resolution of the issue of prisoners of war and missing in action is one of the highest priorities of the Secretary and if there were improprieties or management problems, the Secretary wanted them identified and he wanted fixes made.

Mr. O'Donnell immediately met with Colonel Peck and Colonel Peck was unable to provide him with any specifics that would flesh out or support his sweeping charges.

Nevertheless, I set up a three person team consisting of Mr. Ron Knecht, my Special Assistant who is with me today; Col. Dick Mitchell of the U.S. Army from the staff of the Deputy Assistant Secretary of Defense for Intelligence; and Mr. Craig Alderman, the Deputy Under Secretary of Defense for Security Policy, and charged them to conduct an in-depth management inquiry to determine the significant events that led to Colonel Peck's memorandum, the subsequent actions taken by DIA management, and the substance of the various allegations contained in Colonel Peck's memorandum.

The members of this management inquiry team have extensive managerial and intelligence experience, but are independent from the POW/MIA oversight and management structure.

The inquiry team examined Colonel Peck's allegations and developed a plan and a list of questions designed to ascertain whether the allegations were supported by facts. They interviewed participants in the POW/MIA resolution process, examined work reports, internal memoranda, mission, duty functions and case files, et cetera.

The management inquiry in the Colonel Peck's allegations found the following circumstances: Lt. General Soyster, the Director of DIA at the time, selected Colonel Peck to head the special office for POW/MIA on the basis of his prior outstanding service record and his evident familiarity with the region, developed during three distinguished war-time tours of duty in Vietnam.

Colonel Peck assumed his position as Chief, Special Office of POW/MIA in mid-July 1990. By October 1990, the senior leadership of the DIA was aware that Colonel Peck was not effectively managing the POW/MIA office or providing quality intelligence support. As Colonel Peck had been on the job only a short time and had an outstanding military and combat record, his supervisors attempted unsuccessfully to help him adjust to the job.

The freeze on the movement of Army personnel during Operations Desert Shield and Desert Storm led General Soyster to keep Colonel Peck in place even though he was not satisfying his customers.

In early January 1991, General Soyster instructed his staff to find another suitable position for Colonel Peck. General Soyster did not view this as a prejudicial move, just a case where we had a good officer who had been put in the wrong job.

On February 8, General Soyster told Colonel Peck that it was just not working out and that he had found him a good job more in line with his skills. He proposed, as Colonel Peck speaks French and had trained with the French army that he transfer him to a liaison position with the French army in Germany. Colonel Peck said that he did not want to move from the area. As General Soyster was fully involved with support to Operation Desert Storm, he instructed his staff to continue to look for a job for Colonel Peck in the Washington, DC area.

On February 12, 4 days after General Soyster's discussion with him, Colonel Peck handed his superiors a letter that contained broad and unsubstantiated allegations of impropriety in the conduct of POW/MIA activities. Subsequently, General Soyster relieved him from his duties on March 27, 1991 and on March 28, Colonel Peck attached a letter of farewell to his staff on the door of his office along with a copy of his earlier letter with some personal references blacked out.

The management inquiry team could not find facts that would support Colonel Peck's various allegations of a cover up or of the manipulation of the POW/MIA office to frustrate the resolution process. They did find shortfalls in the internal management of the special office for POW/MIA and some variability in the quality of the analysis files and the analysis process.

The observations the inquiry team reported led me to conclude that the Director of DIA had erred in assigning an individual to manage the special office that did not adequately understand the processes used in intelligence collection and analysis and who held such strong personal views that he was unable to remain impartial, a key attribute of an intelligence professional.

I believe that it is clear that despite his record as a combat leader, he was unable to function effectively in this type of job and I very much agree with General Soyster's observation that Colonel Peck was just simply poorly suited for the position.

However, both Colonel Peck and the inquiry team identified improvements that could be made in the process used to establish priorities and to request intelligence support from the special office, and these are significant.

The new head of the DIA special office for POW/MIA, Bob Sheetz, who you will hear from later today, has corrective management actions well underway to strengthen the internal management of the analytic process and to clarify the processes used to interact with customers.

We will continue to follow up and will take additional corrective actions when it will improve the resolution process.

Mr. Chairman, I hope this has clarified the record of this inquiry for you. Resolution of the issue of prisoners of war and missing of action is a matter of the highest priority to the department and to our country.

It is also a high personal priority for me. I served in Vietnam and had friends who were killed, were taken prisoner and are missing. I want the issue resolve and I pledge my fullest cooperation with the committee.

[The prepared statement of Mr. Andrews follows:]

Prepared Statement of Duane P. Andrews

Good Morning Mr. Chairman, members of the Committee. As you requested in your letter of October 17, 1991, I am pleased to summarize the process and the key findings of our inquiry into Colonel Peck's allegations of improriety in the POW/MIA resolution process.

As soon as Secretary Cheney learned of Colonel Peck's allegations, he asked me, as I am responsible for oversight of the Defense Intelligence Agency (DIA), to work with Mr. O'Donnell, the General Counsel of the Department of Defense, in looking into Colonel Peck's complaints. Mr. O'Donnell immediately met with Colonel Peck. Colonel Peck was unable to provide Mr. O'Donnell any specifics that would flesh out or support his sweeping charges. I then set up a three-person team consisting of Mr. Ron Knecht, my Special Assistant, Colonel Dick Mitchell, U.S. Army, from the staff of the Deputy Assistant Secretary of Defense for Intelligence, and Mr. Craig Alderman, the Deputy Under Secretary of Defense for Security Policy, and charged them to conduct an in-depth management inquiry to determine the significant events that led to Colonel Peck's memorandum, the subsequent actions by DIA management, and the substance of the various allegations contained in Colonel Peck's memorandum. The members of this management inquiry team have extensive managerial and intelligence experience and are independent from the POW/MIA oversight and management structure.

The inquiry team examined Colonel Peck's allegations and developed a plan and a list of questions designed to ascertain whether the allegations were supported by facts. They interviewed participants in the POW/MIA resolution process and examined work reports, internal memoranda, mission and duty functions, and case files.

The management inquiry into Colonel Peck's allegations was thorough and found the following circumstances. Lieutenant General Soyster, the Director of DIA, selected Colonel Peck to head the Special Office for POW/MIA on the basis of his prior outstanding service record and his evident familiarity with the region, developed during three distinguished wartime tours of duty in Vietnam. Colonel Peck assumed his position as Chief, Special Office for POW/MIA in mid-July, 1990. By October 1990, the senior leadership of the DIA was aware that Colonel Peck was not effectively managing the POW/MIA Office or providing quality intelligence support. As Colonel Peck had been on the job only a short time and had an outstanding military and combat record, his supervisors attempted unsuccessfully to help him adjust to the job. The freeze on the movement of Army personnel during Operations Desert Shield and Desert Storm led General Soyster to keep Colonel Peck in place even though he was not satisfying his customers.

In early January 1991, General Soyster instructed his staff to find another suitable position for Colonel Peck. General Soyster did not view this as a prejudicial move—just a case where a good officer had been put in the wrong job. On February 8, 1991, General Soyster told Colonel Peck that it was just not working out and that he had found him a good job more in line with his skills. He proposed, as Colonel Peck speaks French and had trained with the French Army, that he transfer him to a liaison position with the French Army in Germany. Colonel Peck said he did not want to move from the area. As General Soyster was fully involved with support to

Operation Desert Storm, he instructed his staff to continue to look for a job for Colonel Peck in the Washington D.C. area.

On February 12, 1991, Colonel Peck handed his superiors a letter that contained broad and unsubstantiated allegations of impropriety in the conduct of POW/MIA activities. Subsequently, General Soyster relieved him from his duties on March 27, 1991. On March 28, 1991, Colonel Peck attached a letter of farewell to his staff on the door of his office along with a copy of his earlier letter with some personal references blacked out.

The management inquiry team could not find facts that would support Colonel Peck's various allegations of a cover up or of the manipulation of the POW/MIA Office to frustrate the resolution process. They did find shortfalls in the internal management of the Special Office for POW/MIA and some variability in the quality of the analysts files and the analysis process. The observations the inquiry team reported led me to conclude that the Director of DIA had erred in assigning an individual to manage the Special Office for POW/MIA that did not adequately understand the processes used in intelligence collection and analysis and who held such strong personal views that he was unable to remain impartial—a key attribute of an intelligence professional. I believe that it is clear that despite his record as a combat leader, he was unable to function effectively in this type of job. I agree with General Soyster's observation "Colonel Peck was simply poorly suited for this position."

Both Colonel Peck and the inquiry team identified improvements that could be made in the process used to establish priorities and to request intelligence support from the Special Office. The new chief of the Special Office has corrective management actions well underway to strengthen the internal management of the analytic process and to clarify the processes used to interact with its customers.

I hope this has clarified the record of our inquiry for you.

The CHAIRMAN. Thank you very much, Mr. Secretary. We appreciate that statement. It certainly sets us out on the road to clarifying it, if it does not do it entirely.

I would like the record to show that Senator Smith and I have both left numerous telephone messages with Colonel Peck in an effort to contact him in anticipation of testimony before the committee.

Neither of us to date have succeeded in communicating with him or in having him return those calls. Now whether or not that indicates that he is just out of town or not around or something, I do not know and I do not want to have it result in a conclusion except to the effect that we are having difficulty in contacting him and getting him to appear.

The committee clearly wants to talk to Colonel Peck and clearly has to talk to him and if need be, the committee will ultimately issue a subpoena in order to do so, but I hope we can arrange that without it.

With respect to policy and documents that are classified which is a key issue to us, I have here a communication, an unclassified communication from JCRC, liaison in Bangkok to Commander, JCRC, Barber's Point, and what it says is, let me read from this document. The document date is 3/7/91:

> After many discussions with members of the LNO staff, I find that there is little defined guidance with regards to classification of our reporting. There does not seem to be any consistent classification authority and everyone has their own opinions as to what should be classified and what should not. It appears to me that the only information which legitimately deserves to be classified is any information which would or could identify our sources. The actual information is often collected in crowded situations with many observers and relates to past events. Therefore, in the absence of any further guidance, I intend to issue our reports as unclassified, with the exceptions being the source data section and those sections which identify or could identify the source. Please advise if this is incorrect or if there is any clear-cut guidance.

Senator REID. Who was that to, Mr. Chairman?

The CHAIRMAN. That is from the Joint Recovery Command in Bangkok to Washington, to intelligence here, excuse me, to Barber's Point, HI; it is to the commander at Barber's Point, HI.

And the response to that was as follows:

> Classification of POW/MIA crash site, grave site reporting, per reference A, all reports concerning live sightings of American personnel in Southeast Asia must be classified secret. To clarify reference A, live sightings of American personnel refers to reports concerned with sightings of Americans, caucasian, black, mongoloid, et cetera, living as prisoners, detainees or living relatively free at the time of the sighting.

Now a report noting that an American has been killed or died is considered a live sighting report. Now, first of all, I guess, why was the policy changed? What was the reason for classifying things that people in the field feel don't need to be classified, making them classified?

Mr. ANDREWS. Mr. Chairman, I just became aware of this when you started reading it. Classification policy is a very complex matter and I wouldn't want to jump in to try to second guess the author of this particular message, without having an opportunity to look into it.

I don't know the answer to your question. I would be happy to look into the matter and get back to you. We certainly have a policy in the department that we maintain our materials at the lowest classification level possible, and we should not over-classify anything, and I would have to look into that matter, talk to the author and find out what the basis was.

Now some of the witnesses this afternoon would probably be in a better position to answer those questions, but I will follow up.

[Mr. Andrews response follows:]

> We have received recommendations for changing the current classification policy from the Defense Intelligence Agency and the OSD Staff. We are still awaiting recommendations from JCRC on changes to the current classification policy as they have been absorbed in supporting current field investigative actions. As mentioned during the hearing, classification policy is complex and we have to ensure adequate protection of sources, provide guidelines for evaluating the content of the reported data, and identify the means available for reporting data as a function of classification. Finally, before we promulgate a new set of classification policy guidelines, we need to make sure that they can be implemented in the field. We anticipate having a revised classification policy by the end of January 1992.

The CHAIRMAN. Obviously, we would appreciate it. I mean, can you see that this is the kind of thing that causes people to leap backward and say, what the hell is going on? Why? Isn't that a matter of common sense?

Mr. ANDREWS. Sometimes common sense eludes us, but I would agree, Mr. Chairman, that on its face it might seem like it was unnecessary, but I think until we can look into the details and look at exactly why they felt, the particular author here felt that it was needed to be classified, I think we should withhold judgment.

The CHAIRMAN. Well, obviously, I appreciate it. That is very important to us and it's going to be very important to this relationship, to try to break through that, what I referred to as sort of the mumbo-jumbo of classification. I mean, look, there isn't a Senator here who isn't going to be sensitive to the question of protecting a legitimate source or something.

But it can't be used to create a blanket policy that results in information not getting out or in reports somehow remaining in what Colonel Peck referred to as the dark hole or the black hole and I think that is key.

Mr. ANDREWS. Mr. Chairman, common sense needs to prevail in these kinds of things, and I hope we are able to work with the committee to either convince you that we have good reason to classify the material, we want to retain the classification or we will reduce that classification level or declassify it totally.

The CHAIRMAN. Do we now understand, based on Secretary Cheney's testimony this morning and on current policy, that the intelligence data that we originally wrote to you, requesting access to will now, at least to the committee, appropriately cleared staff and to Senators, be made available in unredacted and uncensored form?

Mr. ANDREWS. We worked hard with the committee staff to try to determine exactly how to handle the most sensitive of our holdings in the files. I believe we have a good understanding of what that will be. Exactly what the Secretary said this morning, we will open up our files to the committee.

We have to be particularly sensitive of those perishable sources and methods that we have talked about. We have procedures where we would redact certain copies that are brought over for general use, but show the material that was redacted to key members of the committee.

We are not going to withhold information that the committee needs or wants.

The CHAIRMAN. Do you personally, let me just take a moment of my own time, but do you personally review all the live sighting reports?

Mr. ANDREWS. No, sir. As I said at the beginning, I am not in the formal resolution process. I work intelligence policy and oversight of the intelligence agencies. We tried to streamline our activities in the department, based on the priorities set by the Secretary, to be able to not have too many people in the loop that caused confusion and contribute to the problems that you have alluded to or discussed here today.

Carl Ford today is the focal point for these activities in the department, and even though I am an Assistant Secretary for C3I, including intelligence, we would defer to him to handle the flow of information from the committees into the DIA's POW/MIA office.

We try to make that as streamlined as possible. So I do not get involved in the resolution of cases. We have looked at the files as part of a management inquiry. We looked at a select set of files, we tried to sample to determine the quality and determine what, try to get at the bottom of the questions that Colonel Peck was raising.

And we made judgments on that, but that is the extent of it.

The CHAIRMAN. How many years have you been involved in intelligence analysis and gathering?

Mr. ANDREWS. Well, intelligence, one way or the other, 23 years; intelligence analysis, probably only a few of those 23 years.

The CHAIRMAN. In the course of any of those years, have you ever seen a document or come across evidence personally that would lead you to believe somebody was alive and being held against their will in Southeast Asia?

Mr. Andrews. I saw many documents at the time that would lead me to believe that someone was alive.

The Chairman. What period of time was that?

Mr. Andrews. This was during the war and in the period immediately after the war and up to the release of the prisoners. I haven't seen anything recently that would, I would say, point to someone, other than the cases that you have talked about, that I believe would document that we have someone that we can point to, that we need to go in and extract. I just haven't seen that.

The Chairman. After Operation Homecoming, and with the conclusion in January 1973, of the formal involvement, did you have any reason to believe that somebody was still alive in Southeast Asia that was not accounted for?

Mr. Andrews. I wasn't in the POW business at the time and I had no reason to believe that anybody was unaccounted for at that time or was alive at that time.

The Chairman. Or subsequently. You have never seen any documents subsequent to 1973, in your role in intelligence that would indicate that to you?

Mr. Andrews. In my role, no, sir.

The Chairman. Senator Smith.

Senator Smith. Thank you, Mr. Chairman. On July 5, I wrote a letter to you, Mr. Andrews, expressing some concerns that I had with the information on the Peck resignation, and you did respond to those inquiries that I made very promptly. And I do appreciate that.

Let me get that on the record that there was a prompt response, and it was within 2 weeks. I am not an expert on intelligence, to say the least, and just a question in terms of the process here, a little bit.

Do we have, in your estimation, what is called an all-source collection plan, right now, on POW/MIA matters? In other words, optimizing all collection assets at your disposal? DOD, national, from an intelligence aspect, in other words, from an intelligence aspect, is it treated as the highest priority?

Mr. Andrews. I think for intelligence, my impression based upon what I have been shown is that it is treated as one of the highest priorities in the collection of intelligence. I would have to defer, to get the specifics of the current collection plan to the head of the POW office or to the acting director of DIA testifying later today. They can shed more light.

But clearly, with my experience in resource management of intelligence resources, I see the tasking that we have out there, and this is clearly, with all of our various types of intelligence, this is clearly one of the highest priorities.

Senator Smith. But there are categories, as I understand it. Category 5, Category 3, Category 1. It is my understanding that this is Category 3. Is that correct?

Mr. Andrews. I cannot confirm that, Senator.

Senator Smith. Who can confirm that?

Mr. Andrews. The Director of the DIA and the head of the office should be able to.

[Classified material provided to the committee.]

Senator SMITH. In the communication that you had with me this summer regarding Peck's allegations, you did indicate to me that the allegations were severe but that you did not find any evidence that they were valid. Secretary Cheney, as I understand it, asked you, or directed you, to do a formal inquiry into this. And you did, as you indicated to me. Was the answer to this inquiry, was this a written response to the Secretary of Defense?

Mr. ANDREWS. No, sir. As I communicated to you, we completed the inquiry and presented the findings to the Secretary orally.

He felt that that was adequate for his purposes. We went about our job of trying to implement the fixes that were identified. So we turned our attention to try to fix those management actions and those tasking problems that we felt needed attention.

Senator SMITH. I will not question you on the veracity of your statement, but it just seems to me very difficult to believe that something of the magnitude of the charges that were in the resignation letter and some later public testimony and private testimony of Colonel Peck, that the response to an inquiry from the Secretary of Defense would not be put in writing, that it would simply be an oral briefing. So you stand on that statement, that it was an oral briefing to the Secretary of Defense and there was absolutely nothing put in writing?

Mr. ANDREWS. Absolutely. I frequently get tasked by the Secretary, as one of his senior advisors, to look into matters and provide him information, provide him reports. And this was one of those cases.

Senator SMITH. In your press release after the inquiry, I guess right around the time you provided the written communique to me, you were quoted as saying there was no evidence to support Colonel Peck's allegations. One of Peck's primary allegations, as I understand it, was that he felt that he could not prioritize the analysis reports, that his work was often sidetracked by ad-hoc taskings—I think to use his term, a plethora of busywork. Projects directed by individuals outside of DIA. None of these outside taskings were formal. They did not follow any formal intelligence communications, but essentially he had a lot of masters, a lot of people directing him to do things. That was, as I understand it, one of the main charges that Peck made. Now are you saying there is no validity to those charges at all?

Mr. ANDREWS. Not at all, sir. In fact, I believe those are true, what we said. The context of that statement was allegations of impropriety. In the next paragraph of that news release, we said. As in the case when any thoughtful officer examines an issue, Colonel Peck made some helpful suggestions on ways to strengthen the special office. And I am leaving a couple of words out.

Well, I will read the whole thing: strengthen the Special Office of Prisoners of War and Missing in Action. Members of the POW/MIA interagency groups should use a more formal process to request support from the office, and a procedure will be established to decide the priority of competing requests for POW/MIA intelligence information.

Clearly, that item was one of the primary concerns that Mike Peck had. We agreed with that concern and implemented actions to correct it.

Senator SMITH. Well, it just seems to me—and I do not have a copy of your press release here, I thought I did. But it just seems to me that if in fact Colonel Peck made these kind of charges, you did indicate that there was no evidence to support Peck's allegations. He made a number of allegations, no question, and this is one of them.

So you do stand corrected, then, on that point? That he was accurate in terms of the busywork, or some of the things, the taskings that were done? I do not want to use the term busywork, but taskings that were done?

Mr. ANDREWS. Senator, there is not an inconsistency here, I do not believe. The context of the press release was that we were talking about impropriety or allegations of impropriety. I went on to then make the statement that those suggestions on how to improve the management of the office we did agree with, and have taken corrective action.

Senator SMITH. You do say that. You do use the term allegations of impropriety in your press release, clearly. But the headline on the press release says, DOD finds no evidence of Peck allegations, and then in the next to the last paragraph, you say, these conclusions should not surprise anyone. Over the past decade investigators from the Department of Defense and Congress have looked into similar charges seven separate times. In each case, the allegations were found to be baseless.

And, you know, impropriety is kind of lost, if you will. I think the clear intent of that press release was to show that Colonel Peck—and I do not want to use the term discredit because I do not want to put words in your mouth—but it was clearly an attempt to show that Peck was off base with allegations, whatever those allegations may be.

You do not say in there, that this business about tasking and so forth is one of the things that you supported. You do not say that. Is that not accurate?

Mr. ANDREWS. Well, now, I do say that in the last paragraph on the first page, where I start out. As in the case with any thoughtful officer, and I say. You should use a more formal process to request support. And a procedure will be established to decide the priority of competing requests for POW/MIA intelligence information.

Senator SMITH. Well it is kind of lost, but my time has expired, Mr. Chairman.

The CHAIRMAN. Senator Grassley.

Senator GRASSLEY. Mr. Chairman, I think Senator Smith covered most of the things I wanted to cover, but I would like to reserve my time, just in case something else comes up at the end of the first round.

The CHAIRMAN. Fine, we will reserve your time. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. Mr. Andrews, perhaps Secretary Cheney did not need it in writing, a response to the serious allegations that Colonel Peck made, but I think this committee does, and I would appreciate it if you would give us a written response to his allegations.

I, like you, have high respect and regard for any man who has served his country in the outstanding and dedicated fashion that Colonel Peck has, and when anyone of his caliber makes some allegations, I would like—if you would—give us a written response. Any addition to your press release, I think, would be very helpful, OK?

Mr. ANDREWS. Yes, sir.

Senator MCCAIN. Two aspects of Colonel Peck's allegations bothered me a great deal. One was the assertion on his part, a very passionate assertion, that within the organization there is a mindset to debunk—I believe those are his words—live sighting reports. And he felt very strongly about that. And he felt that this inhibits the process from the beginning. And I would like for you to address that concern of his, or allegation of his.

Mr. ANDREWS. Well, Senator, we were unable to determine why he felt as strongly as he did about that particular issue. We know that he had heard that prior to arriving at his job heading the POW/MIA Office, and at the time he took the office we specifically asked him to give us examples of what you are talking about, what is it that bothers you, what is it that we can do, and where can we look to find this mindset? He was not able to provide us with that.

Now, he acknowledged in the discussions we had the importance of checking individual reports against the whole database, the aggregated knowledge of the POW/MIA Office, because many of the live sightings were in fact based upon rumor, or were attempts by individuals to manipulate the issue.

One of the problems that we discovered, and it was just a matter of time—he got into the job, he was so busy, it was difficult for him to take time and learn the basics. That is the reason I expressed the concern that in the future the director of the DIA should appoint someone with experience in intelligence analysis. He was not able to look into the substantive intelligence process, which was routinely dealt with on a day-to-day basis in his office, to really understand what was happening.

Often they say, well, let us give you briefings on clandestine intelligence, how it works, what the problems are, and he was busy. He had a lot that he was doing. I think he was sincere about that. But I do not think he really understood it. And so we looked for evidence of a mindset. We could not find any.

Clearly, as part of routine intelligence processes, you have to look, since you have no direct information or direct way to determine whether a source is in fact true, you have to look for ways—is the source reliable, can we depend upon this report? So it is kind of an indirect way to do it. But we could find no evidence of that as we looked at the office.

Senator MCCAIN. I hope, Mr. Chairman, that Colonel Peck will respond to either you or Senator Smith, because clearly this is a very disturbing allegation, and one which, in all due respect, Mr. Andrews, I think we need to explore further.

Another concern that Colonel Peck voiced in allegation that also I found disturbing, was that there were nongovernmental entities intimately involved in the process of evaluating live sighting reports, et cetera. Did you find any credence to that concern that he voiced?

Mr. ANDREWS. Well, we did spend a considerable amount of time trying to pursue that particular question. There is, of course, a member of the interagency group that has a nongovernmental person, that has an official position on the interagency group. We did not find any unusual involvement in the resolution of live sighting reports by that particular individual.

We asked repeatedly for specifics that we could follow up on, and Senator McCain, if at any time Colonel Peck wants to come forward with specifics, we will be happy to do it, because my goal and the charge from the Secretary is to find the problem and fix it. And the Secretary is leaning as far forward as anyone trying to get on and get these problems dealt with.

If he cannot point to something, we have a hard time knowing what to fix. But I did not find any other outside involvement. You can talk to the Chief of the Office, who might be able to shed additional light, but in the process of this inquiry we did not find any.

Senator McCain. Finally, in your 23 years, Mr. Andrews, you have from time to time seen a tendency to overclassify information, have you not?

Mr. Andrews. Yes, sir.

Senator McCain. I think possibly Mr. Chairman——

Mr. Andrews. I never did that, of course. [Laughter.]

Senator McCain. You were the one who was always trying to declassify, I am sure, but in reality we need to look into this whole issue of overclassification because I think it has had a chilling effect on the confidence that the American people have in this whole process.

Thank you, Mr. Chairman. And thank you, Mr. Andrews.

The Chairman. Thank you, Senator McCain. Senator Reid.

Senator Reid. How long have you been involved in this POW/MIA matter?

Mr. Andrews. Senator, I think I heard the question, how long have I been involved in this? In my current job, I have been on as Assistant Secretary for 2 years. I was involved on the periphery back as a member of the House Intelligence Committee staff when they did their investigation, but then nothing until this inquiry came up.

Actually, the first real involvement was in January, when General Soyster came to me and said, you need to know that I have some problems in my POW/MIA office and I am going to have to deal with that. And I said, all right, General, why do you not deal with that.

It was at that point that I really first started focusing on this particular issue. Because of the streamlined management that we had in place in the Department—Carl Ford was the focal point for that. And we were just supporting his activities. And then the DIA was, of course, the analytic focal point for the POW/MIA, so it was really in January when he brought that to my attention that I first got involved, and then, of course, the management inquiry in March got me into it in some detail.

Senator Reid. Now you do other things than coordinate this POW/MIA matter?

Mr. Andrews. In fact, my only formal involvement other than my job is responsibility for the overall supervision of intelligence activities in the department.

Senator Reid. As it relates to this?

Mr. ANDREWS. Right. As it relates to this, my only involvement was the management inquiry.

Senator REID. So you have done nothing other than what you have related in your statement here?

Mr. ANDREWS. Pretty much what we have talked about today is what my involvement has been.

Senator REID. What is Colonel Peck now doing?

Mr. ANDREWS. I have no idea, sir. He has retired.

Senator REID. And he had retired at the time you conducted your investigation?

Mr. ANDREWS. No, he was still on active duty through, I guess, most of the investigation.

Senator REID. And had he left by the time your investigation terminated?

Mr. ANDREWS. He left after the investigation had terminated. He left at the end of July, and we wrapped up the investigation in early June.

Senator REID. That is all I have, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Reid. Mr. Andrews, what was the date that you reported to the Secretary on your findings?

Mr. ANDREWS. That should be at the tip of my tongue. It was early June.

The CHAIRMAN. I do not——

Mr. ANDREWS. I can get the exact date and supply it for the record, but it was early June.

The CHAIRMAN. It was early June that you reported to him, that was your oral communication?

Mr. ANDREWS. Yes, sir.

The CHAIRMAN. And how many people did you detail to the task of this inquiry?

Mr. ANDREWS. We had three, the three professionals that I mentioned to you at the beginning of my statement were the management inquiry team, and as they went through their business of looking at files and so forth, they were supported by the POW/MIA Office. But the team was independent and was made up of three people.

The CHAIRMAN. Who were the three people?

Mr. ANDREWS. Mr. Ron Knecht, my special assistant; Colonel Dick Mitchell, from the Army, who is a member of the Deputy Assistant Secretaries for Intelligence, the OSD staff that oversees intelligence; and Craig Alderman, the Deputy Undersecretary of Defense for Policy.

The CHAIRMAN. When was the date of assignment to them of this task?

Mr. ANDREWS. I believe it was around the 5th of April that I formally tasked the group to conduct the investigation. And it was not their full-time—although they ended up spending a lot more time than we had initially expected. I will get you the exact dates.

The CHAIRMAN. But it was around the 5th of April that you tasked them?

Mr. ANDREWS. Yes, sir. April 8 is the date.

The CHAIRMAN. And Colonel Peck resigned on 12 February 1991. What happened between February 12 and April 8?

Mr. ANDREWS. Well, first of all, he submitted—I remember this, just to review briefly, February 8 is when General Soyster said, I am going to replace you in this job. You have got to move on. On the 12th, he said, I have these problems and I, by the way, would like to submit my resignation.

They were trying to find him a job to move to. They were trying to take care of him because, again, this was a good officer who was just in the wrong job from General Soyster's perspective.

It was not until the 27th of March that he was actually asked to leave the head of the POW Office. And he departed on the 28th of March. And then he retired at the end of July.

The CHAIRMAN. I understand. But that even raises the curiosity more, if there was a move to change him on the 8th of February, and on the 12th of February he writes these very significant charges.

But then it is not still for more than a month and a half before he is actually relieved, notwithstanding the charges he has made and the decision to do so, and even longer before an inquiry is begun. I do not understand that. It seems to me that the inquiry would begin almost immediately.

Mr. ANDREWS. Senator Kerry, this was happening inside the DIA. I was aware in January that there were problems. I was not aware of the letter or the memo, the Secretary was not aware of the memo, and none of us became aware of that until he departed the office on the 28th and the memo came to our attention.

The CHAIRMAN. On 28 March?

Mr. ANDREWS. When he departed on the 28th it came to our attention early on the morning of 29th. The Secretary was informed immediately and asked for the inquiry immediately.

The CHAIRMAN. Between April 8 and June, approximately a 2-month period of time this inquiry has undertaken. Is that accurate?

Mr. ANDREWS. Yes, sir.

The CHAIRMAN. Now, let me just sort of go through a couple of things here, for instance, Colonel Peck made the charge saying:

> I became painfully aware that I was not really in charge of my own office, but was merely a figurehead or whipping boy for a larger, and totally Machiavellian group of players outside of DIA.

What steps did the investigators take to check out that particular charge?

Mr. ANDREWS. Well, we talked to Colonel Peck and asked him what did he mean by that? That was the first step. We talked to his associates in the office to follow-up on any indications that Colonel Peck had given us on outside influence. We talked to members of the inter-agency group about their views on the various matters that were being discussed.

It was clear that there were phone calls coming in from members of the inter-agency group asking the office to do things. This is where we've said, you know, we've got to fix this.

The thing that surprised all of us is Colonel Peck was a very senior officer. He was—had a lot of responsibility prior to this assignment; had a lot of responsibility in this assignment. The director of DIA was relying on him to fix the problems.

We were surprised, as we looked into this issue, that he hadn't done something specifically to fix these problems. There were no examples that he gave us during the inquiry, where we could trace that he had started to fix a management problem, instituted a policy, and someone came in and said you've got to take that policy and throw it away.

We kept searching for that. He came forth in February, and tried, you know, and discussed with his supervisors, well, I think we need to make some changes. And they said fine, why don't you go make them—this was a senior officer, who was a direct report to the Executive Director and the Director of the agency.

So we did look into that, and we didn't find any evidence of anything unusual, other than there was a sloppy tasking process that needed to be fixed. And we've corrected—we believe we've corrected that. We have a single channel that tasking will come in and will resolve priorities, and that DIA can get on and do its job of intelligence, and we can handle these various requests through Carl Ford's office.

The CHAIRMAN. So there was an adjustment that you made as a consequence of that particular observation?

Mr. ANDREWS. Yes, sir.

The CHAIRMAN. OK, now subsequently he suggested, "from my vantage point"—quoting him—"I observed that the principal Government players were interested primarily in conducting a "damage limitation exercise," and appeared to knowingly and deliberately generate an endless succession of manufactured crises and "busy work". "What steps were taken by the investigators to determine the veracity of that accusation?

Mr. ANDREWS. Again, as we did with all of these, we said, okay, we accept that. Now, what can you tell us—give us some examples. Tell us what the specific problem is, and how you would go about fixing it. And we would get some information that we could follow-up on, and we did. But nothing that pointed to a problem other than what we just talked about, and that was a problem in tasking flow. Someone had to handle the request for information, request for work. And someone had to prioritize them.

That was—that should have been the job of the head of the office. But somehow the system wasn't working. And he wasn't—he wasn't taking care of ensuring that there was a single, tasking voice coming into the agency. People were calling direct. So we——

The CHAIRMAN. Has that been corrected?

Mr. ANDREWS. We have—the new director of the office—and you can get more details from him—has taken action to ensure that tasking comes through a single channel.

The CHAIRMAN. So, in effect, there has been a response to his second observation? I mean, there is now a single tasking, and a different approach. Is that accurate?

Mr. ANDREWS. As I said, the management inquiry agreed with those observations and we have taken action to correct them.

The CHAIRMAN. Now, with respect to the "mind-set to debunk," it said here, quote "it is held at all levels." What steps were taken to determine the degree to which that might or might not apply at all levels? Were all levels examined?

Mr. ANDREWS. Well, we had discussions with members of the inter-agency group. We had discussions with senior officials in the Department. We did not find—and we had, of course, many discussions with Mike Peck to try to determine exactly what he meant by that statement.

And we were not led to any answers that were helpful for us. As I said, we would be happy to pursue additional leads. But in the management inquiry, we were not led to anything that would point to a particular mindset.

The CHAIRMAN. Let me ask you—do you think—and I know you can tell what I am getting at, but I want to—do you think that the Secretary of Defense would have personally authorized a Senate staffer to fly to Bangkok and spend a week using a military plane, and so forth, had it not been for this memo and photographs that had appeared?

Mr. ANDREWS. With this Secretary of Defense, absolutely. I believe he would have done that.

The CHAIRMAN. So you think the fact that the memo appeared, and the fact that there was this renewed interest would not have perhaps brought the Secretary to personally make that kind of a stake in this?

Mr. ANDREWS. I think the Secretary was personally interested in this subject from the day he walked in the door.

The CHAIRMAN. I do not doubt that. I do not question that. I am certainly not doubting where the Secretary is coming from on this, I do not want you to misunderstand me.

What I am getting at is that there is—if there is this kind of struggle within the Department, as of a number of months ago, where you have a career—as you say—dedicated, capable officer about whom you can't really find something in the service jacket that suggests otherwise, who suddenly gets frustrated—can you see why people on the outside might get frustrated and have a similar sense of this attitude to debunk, and sort of—that after—I mean, look, it is 18 years, right? 19 years—it is pretty hard for some people to maintain the same sense of fervor and commitment.

You look at 1,000 of those reports, and 1,000 of them do not pan out. And the next one comes across your desk—I would probably have a hard time looking at it—I mean, I do not think this is a blame thing. I am just trying to get at a reality here. And the reality may be that the machinery was creaking a little bit, and it needed some oil or something. Is that an unfair assessment?

Mr. ANDREWS. I think that what has occurred, subsequent to this, the Peck memo, the inquiry, the attention that's been brought to this has been healthy. I think that there are things that have been done that needed to be done. They had not come to management's attention. That's what we rely on people like Colonel Peck to do, is to bring it to our attention. He failed to do that.

We were able to see the problems, and to take corrective actions. So I can't—of course, things have happened that were positive from this, because there's been a lot of management attention brought.

The CHAIRMAN. Well, I think that is an important statement. That is a fair and important statement. And that is what I am trying to get at.

Now, the—did any of these investigators, these three people who were charged to look at this issue reduce to writing any of their interviews, or any of their observations?

Mr. ANDREWS. We have various pieces of working material, one-page summaries of observations of one member that I am aware of. One of the members I am not aware of put anything in writing. My special assistant, who sits behind me, was responsible for many different pieces of material, including a lot of letters responding to congressional inquiries about this, and letters responding to queries of the Veterans of Foreign Wars and others. So that a lot of what we had, from the management inquiry has found its way into the record. No specific reports were written. There was a transcript taken of the initial Peck interview that he consented to.

But other than that, there is nothing else in writing.

The CHAIRMAN. Well, I would like to request that the transcript of the original interview with the Colonel be made available to us. I would like to ask that whatever those small, working writings are, that they be made available to us.

But I would say to you, very respectfully, Mr. Andrews, that I think that this is, in a sense, another example of the kind of thing that just adds to the folklore, if you will, of doubt. If you have the U.S. Army officer who is retiring in as sensitive a position as this one retiring under these circumstances and then you set out to have an investigation which you intend to make public to determine the bona fides of the Department's efforts, it would seem to me that there is a requirement that that somehow be documentable to be as thorough as possible—given the climate, and the mood within which we are all operating on this issue.

And I think that when you, by your own acknowledgement can say well, we had to make this change, and we had to make this change, and we did respond to this, there is at least a tenor of a kernel of truth—maybe exaggerated, maybe strong. But there is a kernel of observation there which may, indeed, have been legitimate, which you have a very real need to document your response to.

And I think that is one of the reasons why when you have a verbal communication to the public, well, we have looked at this and thoroughly analyzed it, and, indeed we found that we are not culpable, people stand back and say hey, wait a minute. Is that fair that you understand the reaction people have?

Mr. ANDREWS. Senator, I understand—I understand what you are trying to say. I will only say that at the time, if you look at the context we were conducting this inquiry, we approached it in a very open, and sincere way with the very strong direction from the Secretary to find out what's wrong and fix it. Our goal wasn't, at that time—I wasn't worried about the politics. What I was worried about was finding if I had a management problem in one of my organizations and taking action to correct it.

If we would have found more substance, more credibility to Mike Peck's message, I could guarantee you we would have done more to document it. What we found was there wasn't anything here. And because of that, we felt that the steps we took, and the way we approached it was sufficient. We can be second-guessed on that, but that's—that was the way we approached it. And it was a sincere effort to try to get to the bottom of the problem.

The CHAIRMAN. Did you find that anyone had access to Top Secret, Codeword message traffic for which they were not cleared?

Mr. ANDREWS. No, we did not.

The CHAIRMAN. Senator Smith.

Senator SMITH. Mr. Andrews, let me pursue this mindset to debunk that Colonel Peck referred to either in his resignation letter or his public statements—I am not sure which, or both—is this—are you saying that this has never been heard before in the—within the agency?

Mr. ANDREWS. Oh, no, not at all. In fact, the Tighe Report and the Gaines Report, which the committee has had available to them, both talk about a mindset to debunk.

And I look at those reports, and I see the evidence that they talk about. I also see that there were other internal inquiries that said no, there wasn't such—that this was good, intelligence trade practice.

What I had to focus on was this period that Colonel Peck was there, and the inquiry team's findings. And at the time we went in, and looked at the process that was in place, and talked to the analysts and talked about their procedures and how they handled live-sighting reports, looked at their files, we saw a lot of very sincere people that sometimes were over- worked. And sometimes the product was deluded by a lot of fraudulent, you know, reports—particularly during the period where we were getting the dog tag reports. But I didn't—we didn't find a mindset.

Senator SMITH. Let me just ask a question on the point you just made—is there a Gaines Report?

Mr. ANDREWS. Yes.

Senator SMITH. A written document?

Mr. ANDREWS. There is a summary. I don't know if it's a complete—there's a summary of the Gaines Report that's in writing.

Senator SMITH. Well, what I want to know is if there is written document called the Gaines Report in DIA. Is that true or not true?

Mr. ANDREWS. There is not a written document called the Gaines Report. There is a document that summarizes that particular finding, and people refer to it as the Gaines Report.

Senator SMITH. All right, what is the formal title of it? The Deputy Director's POW–MIA Task Force Report? And I would ask the staff, has that report been made available to this committee?

Mr. ANDREWS. Yes, it is the Director's POW–MIA Task Force Report, March of 1986. And it has been made available.

Senator SMITH. I don't have a copy of it, or I was not given a copy of it. And I wish I had been. But in any case, that was made available.

Mr. Chairman, this is meant to compliment the witness, not to criticize the witness. But I want to call your attention to something, because this is a dramatic departure from something that occurred 2 or 3 years ago. And if Secretary Cheney was responsible for this, or Mr. Andrews, I commend them for it.

But I want to quote from a point paper—when I was in the House of Representatives last year, I had a piece of legislation on de-classifying intelligence. It went a little bit further than what Senator McCain's legislation did. But it was similar.

And at that time, the House Armed Services Committee requested some type of analysis of that legislation from DIA. I have a copy of that in which it says as follows—this was a point paper on the Smith Amendment on disclosure of POW–MIA intelligence. And this is very, very important because it goes to a question that you asked as well.

Of the three reports cited in the amendment, and that would be the Tighe Amendment, the Gaines Report, and the Brooks memorandum, those three were the things that were mentioned specifically by me—of the three reports cited in the amendment, only the report issued by General Tighe in 1986 is in written form.

The other two were apparently all briefings to the Director of DIA. An unclassified version of the Tighe Report was released in 1986. And then they go further. The DIA maintains that all three reports, to the extent they exist, represent confidential advice to a former director on the effectiveness of the internal workings of that agency. Because of the classification and sensitivity of these reports, the confidential sources and diplomatic relationships involved in Southeast Asia, and because of the intended use of this information, DIA does not wish to release any internal report of this type.

The administration would resist this amendment because of executive privilege. DIA is willing to discuss the effectiveness of its efforts, but does not wish to invade the confidential relationship that existed between a former director and his hand-picked advisors. Further, DIA will make the entire Tighe Report available, et cetera. Recommendation opposed the Smith Amendment because of the sensitivity of the sources and methods involved, and the nature of these types of reports.

So Mr. Chairman, I would have to say for the record, that at least whoever was in charge of the shop last year, gave erroneous information to the House Committee on the Armed Services in response to a request by them for information regarding my amendment. And I want the record to show that. And I will provide this document.

And if, in fact, now there is a Gaines Report which has been denied personally to me, for a number of years, that that report existed in written form—and at some point in time I will be happy to provide the names of those who said that to me—now we know, we hear that we have a Gaines Report. And I wish that I had a copy of that prior to coming in here today. And whoever was responsible for that on the staff, I would like to have to answer to me for that, because I should have had it.

Do you wish to correct or reinterpret anything that I have said regarding the Gaines Report, Mr. Andrews?

Mr. ANDREWS. I'm not familiar with what you've been reading, Senator Smith, but the Gaines Report that I discovered or that we had during the management inquiry is available. The committee has been provided. And I would have to look into your other concerns.

ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-3040

November 14, 1991

COMMAND, CONTROL,
COMMUNICATIONS
AND
INTELLIGENCE

Honorable John F. Kerry
Chairman
Select Committtee on POW/MIA Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

During my testimony before the Select Committtee on POW/MIA Affairs on November 5, 1991, Senator Smith cited an anonymous and undated House Armed Services Committee-drafted point paper (Attachment 1), titled "Smith Amendment on Disclosure of POW/MIA Intelligence Activities," as an indication that the Department of Defense had knowingly denied the existance of an internal Defense Intelligence Agency (DIA) review report commonly known as the "Gaines Report." I agreed to attempt to determine the circumstances that led to Senator Smith being given incorrrect information as the Gaines Report does exist and has been provided to the Select Committtee on POW/MIA Affairs.

We reviewed relevant files in the Office of the Secretary of Defense (OSD) and the DIA and recovered several papers related to this matter (Attachments 2-5). We did not find any signed OSD or DIA correspondence which stated that the Gaines Report did not exist. One internal DIA paper (Attachment 2) indicates that around September 1990, when then-Representative Smith's amendment to the Intelligence Authorization Bill was in the draft stage, the DIA was unable to locate the Gaines Report. Subsequently, around January 1991, the DIA located a copy of the Gaines Report (Attachment 6).

After reviewing the working papers and notes we found and the memorandum concerning the recovery of the Gaines Report, I surmise that in the September 1990 period it is very likely that an unknown DIA or OSD employee informed an unknown staff member of the House Armed Services Committee that a copy of the Gaines Report did not exist. However, we did not find any documentation that would indicate that passing such a conclusion to the staff member was anything other than an honest reflection of the circumstances known at the time. This leads me to conclude that no attempt was made to willfully mislead Representative Smith or the Congress as to the existence of the Gaines Report.

Sincerely,

Duane P. Andrews

Attachments:
1. HASC point paper, unsigned, undated.
2. DIA unsigned paper, September 25, 1990.
3. DIA memorandum U-1157/DI-3, undated.
4. DIA Tasking Control Form, October 5, 1990.
5. DIA working papers, "Section 504 of H.R. 5422," "Access to POW/MIA Live Sighting Cases," and "The Gains and Brooks Reports."
6. DIA memorandum, November 6, 1991.

cc: Honorable Robert C. Smith
Vice Chairman

[illegible]

POINT PAPER

SMITH AMENDMENT ON DISCLOSURE OF POW/MIA INTELLIGENCE ACTIVITIES

Amendment: Requires the Director of the Defense Intelligence Agency to provide any Member of Congress, upon request, full and complete access to all internal reviews relating to DIA's efforts to fully account for POW/MIA or unaccounted for U.S. military personnel. The amendment specifically cites three reports.

Background: Of the three reports cited in the amendment, only the report issued by General Tighe in 1986 is in written form; the other two were apparently oral briefings to the Director of DIA. An unclassified version of the Tighe report was released in 1986 and is available.

Discussion: The DIA maintains that all three reports, to the extent they exist, represent confidential advice to a former Director on the effectiveness of the internal workings of that agency. Because of the classification and sensitivity of these reports, the confidential sources and diplomatic relationships involved in Southeast Asia and because of the intended use of this information, DIA does not wish to release any internal report of this type. The administration would resist this amendment because of executive privilege. DIA is willing to discuss the effectiveness of its POW/MIA efforts but does not wish to invade the confidential relationship that existed between a former director and his hand-picked advisors. Further, DIA will make the entire Tighe report available to the Chairman and Ranking member of the committee, if they so desire.

Recommendation: Oppose the amendment because of the sensitivity of the sources and methods involved and the nature of these types of reports.

Received from Mr. Carlucci
McKnight 9/11/14

September 25, 1990

AMENDMENTS TO H.R. 5009
OFFERED BY MR. SMITH OF NEW HAMPSHIRE

In drafts dated 17 September 1990, Representative Bob Smith submitted for amendment of the Intelligence Authorization bill two related provisions on information concerning military personnel listed as prisoner, missing or unaccounted for in military actions. The Defense Intelligence Agency believes that these proposals are unnecessary and counterproductive, and should be opposed.

One proposal would require agencies whose funds are authorized under the Intelligence Authorization Act to provide any Member of Congress complete access to all classified information which possibly correlates to military personnel reported to be missing in action, unaccounted for, or a prisoner of war from World War II, the Korean War, the Vietnam conflict, or any other action involving the presence of U.S. military forces in a foreign country.

This proposal apparently would mandate full and unrestricted access to intelligence. This would be a drastic step that disregards the special protection necessarily given to intelligence sources and methods, especially sensitive human sources and technical systems. It disregards the principle of allowing the agency with which information originates to control its dissemination. The requirement to provide information fails to include any corresponding provision for the secure storage and handling of classified information. What is more, this proposal would have the effect of requiring dissemination of unevaluated and uncorrelated information, a result that would add more to confusion than clarification of issues.

There is no need to proceed in such an ill-advised manner. Procedures in effect insure that appropriate committee members and committee staff are informed of POW/MIA-related events, briefed on POW/MIA cases of interest and afforded the opportunity to conduct a review of DIA's analytical conclusions. The implementation of the proposed amendment would totally circumvent the committee system of the U.S. Congress - specifically the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs, both with direct oversight responsibilities on the POW/MIA issue. DIA knows of no instance where raw intelligence reports are disseminated to any interested member of Congress; however, this amendment would be precursory to like requests on other subjects.

It is important to note that the Department of Defense has extended an invitation to members of the Congress, including the sponsor of the amendments at issue, to visit the DIA facility in the Pentagon to review POW/MIA cases of interest. DIA analysts would be present to answer any questions posed by the members. (To date, one Senator has responded to this invitation and has spent

DIA internal working draft.

four days reviewing files at the DIA facility.) The Members may also be assisted by staff of the Armed Services, Intelligence or Foreign Relations/Affairs Committees who have the appropriate clearances and have staff responsibility for POW/MIA issues.

DIA believes that it is inadvisable to go beyond the current situation to one in which access and dissemination of information would be uncontrolled. DIA strongly opposes this proposed amendment on this basis.

The second amendment to the Intelligence Authorization Act proposed by Representative Smith would require the Director of the Defense Intelligence Agency to provide all Members of Congress complete access to all internal reviews of the DIA Special Office for Prisoners of War/Missing in Action. The amendment goes on to name three such reports - the Tighe report, the Gaines report and the Brooks report. The conclusions and recommendations of the Tighe report were disclosed in 1986. Portions of the report are classified because of their potential impact on our diplomatic relations with the governments of Vietnam and Laos, and for other reasons, have been withheld. All three reports, to the extent that they exist, constitute confidential advice to a former DIA Director, from advisors specially picked by him, on the effectiveness of the program for which he felt a heightened responsibility. In this sense the reports are in the nature of confidential Inspector General reports to the Director on the internal workings of his agency. DIA is willing to discuss the effectiveness of its POW/MIA efforts, but hopefully without invading the confidential relationship that existed between a former Director and his hand-picked advisors. The caveat "to the extent that they exist" must be added to references to the Gaines and Brooks reports because DIA has been unable to locate these reports in any tangible form. Colonel Gaines and Admiral Brooks each assisted a former Director in assessing the effectiveness of the POW/MIA office. It is not now clear whether these "reports" to the Director were ever in written form or were the subject of oral briefings to the Director.

UNITED STATES GOVERNMENT
# memorandum

TE:

U-1157/DI-3

REPLY TO ATTN OF: DI-3

SUBJECT: Representative Robert C. Smith's (R NH) Amendments on POW-MIA

TO: DR DD ED

On 27 September the HASC marked up the Intelligence Authorization Bill (HPSCI version). It was previously reported that Representative Smith planned to offer two amendments concerning POW-MIA matters: (1) to have DIA make available its files to all Members of Congress; and (2) to have DIA make available all its reports--to include the Tighe, Gaines and Brooks reports to Members of Congress.

Representative Smith offered only the second. It was amended to read that DIA should make available the Tighe report with sources and methods material deleted.

A. DENIS CLIFT
Deputy Director for
External Relations

cc:

POW-MIA
GC

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114
* U.S. GPO: 1990-262-081/90246

UNCLASSIFIED
Classification

TASKING CONTROL FORM

5 Oct 90 (DI-3)

OFFICE OF ORIGIN DI-3	DOCUMENT DATE	DOCUMENT NO.		
	DATE RECEIVED	DATE TASKED	DATE REVISED	CONSUMER CODE

DIA SUSPENSE: ASAP

TASKING CONTROL NO.: ____

ORIGINATOR'S SUSPENSE: ____

COLLAB SUSPENSE: ____

COORDINATION SUSPENSE: ____

SUBJECT

Representative Robert Smith (R NH) and H.R.5422

INTERNAL ROUTING			PREVIOUS ACTION OFFICER
ACTION	COLLABORATION	COORDINATION	INFORMATION
POW-MIA	GC		DR DD ED DI DI-3 VP

INFORMATION AND GUIDANCE:

Request a "departmental position paper" on the Smith Amendment to H.R. 5422 to be furnished to OSD/LL, Mr. Mark Bitterman, X78784, see attached documents. The point of contact in DI-3 is LtCol Dixon Jordan, 697-5101.

SUB ELEMENT INSTRUCTIONS

Francis P. Kennedy

Signature

RETURN WITH COMPLETED ACTION TO:

for JAMES S. VAN WAGENEN
DI-3, X75101, 2D246
(1187)(FDJ)

FINAL DISPOSITION

KEYWORD SEARCH ENTRY:

THIS FORM BECOMES ________ UPON REMOVAL OF ATTACHMENT(S)

DIA FORM 311
(REV 9-84)

UNCLASSIFIED
CLASSIFICATION

DIAR 12-16

IB

Union Calendar No. 481

101st CONGRESS
2d Session

H. R. 5422

[Report No. 101–725, Parts I and II]

To authorize appropriations for fiscal year 1991 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

August 1, 1990

Mr. Beilenson introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

September 19, 1990

Reported with amendments and referred to the Committee on Armed Services for a period ending not later than September 28, 1990, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(c), rule X

[Omit the part struck through and insert the part printed in italic]

September 28, 1990

Reported from the Committee on Armed Services with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Insert the part printed in boldface roman]

A BILL

To authorize appropriations for fiscal year 1991 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central

SEC. 504. DISCLOSURE TO MEMBERS OF CONGRESS OF CLASSIFIED DEFENSE INTELLIGENCE AGENCY REPORT RELATING TO MILITARY PERSONNEL LISTED AS PRISONER, MISSING, OR UNACCOUNTED FOR.

The Secretary of Defense shall provide to any Member of Congress, upon request, full and complete access to the classified report of the Defense Intelligence Agency commonly known as the Tighe Report, relating to efforts by the Special Office for Prisoners of War/Missing in Action of the Defense Intelligence Agency to fully account for United States military personnel listed as prisoner, missing, or unaccounted for in military actions. The Secretary may withhold from disclosure under the preceding sentence any material that in the judgment of the Secretary would compromise sources and methods of intelligence.

WORKING PAPER

SECTION 504 OF H.R. 5422

The Committee on Armed Services of the House amended the FY1991 Intelligence Authorization Bill referred to it by including Section 504 in the bill. This section, directing the Secretary of Defense to provide to any Member of Congress full and complete access to the so-called "Tighe Report," relating to efforts by the Special Office for POW/MIA of the Defense Intelligence Agency to fully account for U.S. military personnel listed as prisoner, missing, or unaccounted for in military actions, was adopted after modification, pursuant to an amendment proposed by Representative Bob Smith.

This amendment is unnecessary inasmuch as the "Tighe Report" was made available to the four committees of Congress with oversight responsibilities for the POW/MIA issue in 1986 when the report was promulgated. Although the report is classified, it remains available for "in camera" review by Members of those committees exercising oversight of POW/MIA matters. Representative Smith has been so advised and has been invited to review the report.

Given the above described policy concerning congressional access to the "Tighe Report" Section 504 is totally unnecessary.

WORKING PAPER

Provided by
DIA External Affairs;
prepared by POW/MIA for them,

WORKING PAPER

ACCESS TO POW/MIA LIVE SIGHTING CASES

Representative Bob Smith has previously proposed amendments which direct agencies whose funds are authorized under the Intelligence Authorization Act to provide any Member of Congress complete access to all classified information which possibly correlates to military personnel reported to be missing in action, unaccounted for, or a prisoner of war from World War II, the Korean War, the Vietnam conflict, or any other action involving the presence of U.S. military forces in a foreign country.

It is important to note that the Department of Defense has extended an invitation to Members of Congress, who specifically requested access to POW/MIA files, including the sponsor of the amendments at issue, to visit the DIA facility in the Pentagon to review POW/MIA cases of interest. DIA analysts would be present to answer any questions posed by the members. (To date, one Senator has responded to this invitation and has spent four days reviewing files at the DIA facility.) The Members were advised they could be assisted by professional staff of the Armed Services, Intelligence or Foreign Relations/Affairs Committees who have the appropriate clearances and have staff responsibility for POW/MIA issues.

WORKING PAPER

WORKING PAPER

The Gaines and Brooks Reports

Representative Smith has previously drafted amendments to require the Secretary of Defense to provide access to any Member of Congress to the so-called "Gaines and Brooks Reports." These "reports" are internal reviews of the DIA Special Office for POW-MIA and constitute confidential advice to a former DIA Director from advisors specifically picked by him on the effectiveness of the program for which he felt a heightened responsibility.

Portions of these reports are classified because of their potential impact on our diplomatic relations with the governments of Vietnam and Laos.

These reports are in the nature of confidential Inspector General reports to the Director on the internal workings of his Agency. DIA is willing to discuss the effectiveness of its POW/MIA efforts, but hopefully without invading the confidential relationship that existed between a former Director and his hand-picked advisors.

WORKING PAPER

MEMORANDUM 6 November 1991

From: Joan Dempsey, GDIP Staff
To: Mr. Knecht, C3I

Subject: Gaines Report

1. You requested that I recount how I came to possess the Gaines report and when I located the document. Following is the sequence of events as best I can remember.

2. In my previous position as Special Assistant to the Executive Director, DIA, I worked POW/MIA issues with the DIA Special Office for POW/MIA. A draft amendment to H.R. 5009, the Intelligence Authorization Bill, was introduced in September 1990, requiring DIA to provide three reports to Congress. Those reports were the Tighe, Brooks, and Gaines reports. The Tighe report was available. The Gaines and Brooks reports could not be located in any office in DIA involved, currently or previously, in the POW/MIA issue.

3. I initiated a search for the Gaines and Brooks reports in September. I requested a thorough review of all former DIA directors' files and record files within the Executive Support Office in DIA, as well as historical files in the DIA library. I also queried personnel associated with this issue in DIA during the time the reports were compiled. The only reference to the Gaines report that was located in late September or early October was a paper copy of briefing viewgraphs provided to a former DIA director on the Gaines study effort. Also at that time, a page-and-a-half list of conclusions and recommendations written by RADM Brooks was located. It was internal staff memoranda, not a report. Ultimately, the amendment was changed to require that the Tighe report be made available to members of Congress and that the Secretary of Defense could withhold sources and methods.

4. I continued to try to locate the Gaines report. Late in 1990, a former director's executive secretary suggested I talk to a military officer, no longer assigned to DIA, who was aware of the Gaines report at the time the study was ongoing. That officer led me to a current DIA employee in the Office of Security and Counterintelligence who had a copy of the Gaines report. I do not remember the exact date but both the employee who had the report and I think it was in January 1991.

Senator SMITH. In your letter to me on July 19, you stated that the director of the National League of Families was not in a position to influence the flow of work in the POW–MIA Office at DIA, not in a position to influence the flow of work. Do you stand by that statement?

Mr. ANDREWS. Her position on the inter-agency group does not entitle her to direct tasking to the POW–MIA Office, or to influence their conduct of business. Now that's not to say in the past that individuals in the office didn't agree when she asked them to do something, or didn't accept tasking. But what I'm saying is her position doesn't entitle her to that. And the procedures that we've put in place are designed to——

Senator SMITH. I do not care what it entitles her to. Does she have—is she in a position to influence the flow of work of POW–MIA issues at the office—or did she?

Mr. ANDREWS. There were lots of examples of where she participated, along with other members of the inter-agency group in activities that the office was conducting. We didn't find, nor did Colonel Peck provide any examples of where that has been any undue or unacceptable influence to that office. As a member of the inter-agency group she did participate in activities, and was briefed by members of the office.

But again, the question—or the answer was, she—the position doesn't entitle her to that. We were not aware of any specific examples where she had any undue influence of the activities of the office.

Senator SMITH. Well, are you aware of the letter or memorandum or some document, formal document, in which she indicated that certain U.S. Senators should not have access to certain classified information? Are you aware of that?

Mr. ANDREWS. I haven't seen the letter, Senator. I've heard of that.

Senator SMITH. Would you consider that influencing the flow of work at DIA?

Mr. ANDREWS. I don't think any action was taken on that. We did not see that as an example of adverse influence of those activities of the office.

Senator SMITH. I just want to clarify one thing because of this Gaines Report. Because I have not seen it. And I just want to know, for the record, the report that she provided to the committee, which I have not seen, is that the entire Gaines Report, or is it a summation of what the Gaines Report was?

Mr. ANDREWS. As far as I know, it is just a list of a series of questions and conclusions, findings made by the task team. I'm not aware of any other back-up to this document.

Senator SMITH. So it is the complete report, is that correct?

Mr. ANDREWS. As far as I know it is complete.

Senator SMITH. What you gave to the committee is the only thing you know of as far as the Gaines Report?

Mr. ANDREWS. That is correct.

Senator MCCAIN. I hate to display ignorance. Can I ask what the Gaines Report is?

Senator SMITH. Yes, you can. The Gaines Report, as I understand it from those who have discussed it with me, is that it basically outlines about 70 percent of the concerns that Mike Peck outlined in his allegations, which Mr. Andrews says were not valid.

So I think there is a clear case here of some major discrepancies between what Colonel Peck said and the Gaines Report said, and what is being said by Mr. Andrews.

Senator McCain. Who was Mr. Gaines?

Senator Smith. Kim Gaines was a former Director of DIA—excuse me, the POW–MIA shop. He was a predecessor of Colonel Peck's.

Senator Reid. What you are saying is they both said some of the same things?

Senator Smith. Absolutely. Senator Reid, there were a number of—I can just—let me just give a couple of points from the Gaines Report that I have now at my disposal, which is that some of the things that Mr. Gaines indicated about the process, the DIA process: unhealthy attitudes; almost total lack of management; working hard but not working smart; haphazard approach to problems and functions too much; direct exposure of the working-level analyst; inadequate planning; internal communication and written guidance; database is a wasteland; working files unprofessional, sloppy, incomplete; no standard procedures; no discipline, coherent collection management effort; too much detective work; not enough analysis—and on, and on, and on.

These are the same things that Colonel Peck is saying. And I think it is very significant here that the existence of this report was denied—was denied to the House Arms Services Committee, and that it was denied as a written document even existing. Now, it is a document. And it is my understanding, based upon the quick review that I have had of the document that was submitted to the Senate staff, that that is still not the complete document, in spite of what the testimony of the witness is.

And these are very, very serious matters.

Senator Reid. Mr. Chairman, I am wondering if we have copies?

The Chairman. We do have copies. I think we received this.

My suggestion is if senators want to have an opportunity, if you want to have an opportunity to review it, we could move on to another area, and then come back—which I would be happy to do. I think that might be worthwhile. Let me just quickly—between February 12 and March 28, what steps, if any, did General Soyster take to meet with and debrief the Colonel about his charges?

Mr. Andrews. As far as I can tell, he didn't take any steps. He was trying to find—he had already told the Colonel that he needed to leave the job, and was trying to find him a job.

The Chairman. But 6 weeks went by between the time that this memorandum was posted and a communication from General Soyster—a sit-down talk about these charges, a 6-week gap.

Mr. Andrews. As far as I know, General Soyster did not get back together with Colonel Peck to discuss the specific charges in his report. And again, I was unaware that this even existed at the time.

The Chairman. I appreciate that. I am just trying to establish the picture here. This is the first chance the Senate has had to inquire about this. And so we want to try and understand it. Did you want to add to that?

Mr. **Andrews**. No, they were just reminding me what I had said earlier, that this was in the middle of Desert Storm. General Soyster had several other things on his mind. And this wasn't something that he was able to pull away and work on a lot until that was over.

The **Chairman**. Do you know how many times General Soyster was debriefed by your group about the contents of the Peck letter?

Mr. **Andrews**. I am told twice.

The **Chairman**. And did you formally task your group, in writing, with respect to Secretary Cheney's charge that they investigate this matter?

Mr. **Andrews**. Yes.

The **Chairman**. Will you submit that also, so we could see what you set out as the charge, so to speak, or their task? Now, was there any draft report prepared for the Secretary on this, or did the Secretary specifically request an oral report?

Mr. **Andrews**. My practice, when he asked me to look into management matters, and report back to him, was to go back to him and report orally. If, at that time, he feels there needs to be something more than that, then he will ask for it. I went back. We reported orally. We felt that we were taking the actions necessary. And that is where it stopped.

The **Chairman**. Senator McCain.

Senator **McCain**. Just one comment—Mr. Andrews, Senator Smith has made a very serous statement here, that as short a time as a year ago, the appropriate committee was not given access or the existence of a report was denied. And also that there is not a complete document.

I would appreciate it, as soon as possible, if you could get back to the committee and clarify your response in any way. My understanding is that at this moment you do not know anything about it. But I hope you will look into it. And hopefully by tomorrow, perhaps you could give us a more complete answer on it, if you could.

Mr. **Andrews**. Senator, I will be happy to look into it. I think that the document that has been provided is all that exists. We will get the additional background. I am totally unaware of Senator Smith's concerns.

[The information referred to follows:]

ASSISTANT SECRETARY OF DEFENSE,
WASHINGTON DC 20301-3040,
April 8, 1991.

MEMORANDUM FOR THE SPECIAL ASSISTANT TO ASD(C3I)

SUBJECT: Management Inquiry

On February 13, 1991, Colonel Millard A. Peck, USA, submitted memorandum U-0173/POW-MIA, Subject: "Request for Relief," to the Director of the Defense Intelligence Agency (DIA). In this memorandum, Colonel Peck makes allegations of impropriety in the Prisoner of War and Missing in Action (POW-MIA) activities of the U.S. Government, including the possible unauthorized access to classified information by a private citizen.

I request you lead a management inquiry, on my behalf, to determine the significant events that led to Colonel Peck's memorandum, subsequent actions taken by DIA management, and the substance of the various allegations contained in the memorandum. Please provide a written report of your findings to me by April 22, 1991. The Under Secretary of Defense for Policy is providing Mr. Craig Alderman and the Deputy Assistant Secretary of Defense (Intelligence) is providing Colonel Richard R. Mitchell to assist in this inquiry.

DUANE P. ANDREWS.

Attachments:
1. Memorandum U-0173/POW-MIA
2. Terms of Reference POW-MIA, Management Inquiry

MEMORANDUM—U-0173/POW-MIA

Date: February 13, 1991

Reply to Attention of: POW-MIA

To: DR

1. PURPOSE:

I, hereby, request to resign my position as the Chief of the Special Office for Prisoners of War and Missing in Action (POW-MIA).

2. BACKGROUND:

a. Motivation. My initial acceptance of this posting was based upon two primary motives; first, I had heard that the job was highly contentious and extremely frustrating, that no one would volunteer for it because of its complex political nature. This, of course, made it appear challenging. Secondly, since the end of the Vietnam War, I had heard the persistent rumors of American Servicemen having been abandoned in Indochina, and that the Government was conducting a "cover-up" so as not to be embarrassed. I was curious about this and thought that serving as the Chief of POW-MIA would be an opportunity to satisfy my own interest and help clear the Government's name.

b. The Office's Reputation. It was interesting that my previous exposure to the POW-MIA Office, while assigned to DIA, both as a Duty Director for Intelligence (DDI) and as the Chief of the Asia Division for Current Intelligence (JSI-3), was negative. DIA personnel who worked for me, when dealing with or mentioning the Office, always spoke about it in deprecating tones, alluding to the fact that any report which found its way there would quickly disappear into a "black hole".

c. General Attitudes. Additionally, surveys of active duty military personnel indicated that a high percentage (83%) believed that there were still live American prisoners in Vietnam. This idea was further promulgated in a number of legitimate veterans' periodicals and professional journals, as well as the media in general, which held that where there was so much smoke there must be fire.

d. Cover-Up. The dark side of the issue was particularly unsettling because of the persistent rumors and innuendoes of a Government conspiracy, alleging that U.S. military personnel had been left behind to the victorious communist governments in Vietnam, Laos, and Cambodia, and that for "political reasons" or running the risk of a second Vietnam War, their existence was officially denied. Worse yet was the implication that DIA's Special Office for POW's and MIA's was an integral part of this effort to cover the entire affair up so as not to embarrass the Government nor the Defense Establishment.

e. The Crusade. As a Vietnam veteran—with a certain amount of experience in Indochina, I was interested in the entire POW-MIA question, and willingly volunteered for the job, viewing it as a sort of holy crusade.

f. The Harsh Reality. Heading up the Office has not been pleasant. My plan was to be totally honest and forthcoming on the entire issue and aggressively pursue innovative actions and concepts to clear up the live sighting business, thereby refurbishing the image and honor of DIA. I became painfully aware, however, that I was not really in charge of my own Office, but was merely a figurehead or whipping boy for a larger and totally Machiavellian group of players outside of DIA. What I witnessed during my tenure as the cardboard cut-out "Chief" of POW-MIA could be euphemistically labeled as disillusioning.

3. CURRENT IMPRESSIONS, BASED ON MY EXPERIENCE:

a. Highest National Priority. That National leaders continue to address the prisoner of war and missing in action issue as the "highest national priority" is a travesty. From my vantage point, I observed that the principal government players were interested primarily in conducting a "damage limitation exercise", and appeared to knowingly and deliberately generate an endless succession of manufactured crises and "busy work". Progress consisted in frenetic activity, with little substance and no real results.

b. The Mindset to Debunk. The mindset to "debunk" is alive and well. It is held at all levels, and continues to pervade the POW–MIA Office, which is not necessarily the fault of DIA. Practically all analysis is directed to finding fault with the source. Rarely has there been any effective, active follow through on any of the sightings, nor is there a responsive "action arm" to routinely and aggressively pursue leads. The latter was a moot point, anyway, since the Office was continuously buried in an avalanche of "ad hoc" taskings from every quarter, all of which required an immediate response. It was impossible to plan ahead or prioritize courses of action. Any real effort to pursue live sighting reports or exercise initiative was diminished by the plethora of "busy work" projects directed by higher authority outside of DIA. A number of these grandiose endeavors bordered on the ridiculous, and—quite significantly—there was never an audit trail. None of these taskings was ever requested formally. There was, and still is, a refusal by any of the players to follow normal intelligence channels in dealing with the POW–MIA Office.

c. Duty, Honor, and Integrity. It appears that the entire issue is being manipulated by unscrupulous people in the Government, or associated with the Government. Some are using the issue for personal or political advantage and others use it as a forum to perform and feel important, or worse. The sad fact, however, is that this issue is being controlled and a cover-up may be in progress. The entire charade does not appear to be an honest effort, and may never have been.

d. POW–MIA Officers Abandoned. When I assumed the Office for the first time, I was somewhat amazed and greatly disturbed by the fact that I was the only military officer in an organization of more than 40 people. Since combatants of all Services were lost in Vietnam, I would have thought there would at least be a token Service representation for a matter of the "highest national priority." Since the normal mix of officers from all Services is not found in my organization it would appear that the issue, at least at the working level, has, in fact, been abandoned. Also, the horror stories of the succession of military officers at the C–5 and C–6 level who have in some manner "rocked the boat" and quickly come to grief at the hands of the Government policy makers who direct the issue, lead one to the conclusion that we are all quite expendable, so by extrapolation one simply concludes that these same bureaucrats would "sacrifice" anyone who was troublesome or contentious as including prisoners of war and missing in action. Not a comforting thought. Any military officer expected to survive in this environment would have to be myopic, an accomplished sycophant, or totally insouciant.

e. The DIA Involvement. DIA's role in the affair is truly unfortunate. The overall Agency has generally practiced a "damage limitation drill" on the issue, as well. The POW–MIA Office has been cloistered for all practical purposes and left to its own fortunes. The POW Office is the lowest level in the Government "efforts" to resolve the issue, and oddly for an intelligence organization, has become the "lightening rod" for the entire establishment to the matter. The policy people manipulating the affair have maintained their distance and remained hidden in the shadows, while using the Office as a "toxic waste dump" to bury the whole "mess" out of sight and mind to a facility with the limited access to public scrutiny. Whatever happens in the issue, DIA takes the blame, while the real players remain invisible. The fact that POW–MIA Office is always the center of an investigation is no surprise. Many people suspect that something is rotten about the whole thing, but they cannot find an audit trail to ascribe blame, so they attack the DIA/POW–MIA "dump", simply because it has been placed in the line of fire as a cheap, expendable decoy.

f. "Suppressio Veri, Suggestio Falsi". Many of the puppet masters play a confusing, murky role. For instance, the Director of the National League of Families occupies an interesting and questionable position in the whole process. Although assiduously "churning" the account to give a tawdry illusion of progress, she is adamantly opposed to any initiative to actually get to the heart of the problem, and, more importantly, interferes in or actively sabotages POW–MIA analyses or investigations. She insists on rewriting or editing all significant documents produced by the Office, then touted as the DIA position. She apparently has access to top secret, codeword message traffic, for which she is supposedly not cleared, and she receives it well ahead of the DIA intelligence analysts. Her influence in "jerking around" everyone and everything involved in the issue goes far beyond the "war and MIA protestor gone straight" scenario. She was brought from the "outside" into the center of the imbroglio, and then, cloaked in a mantel of sanctimony, routinely impedes real progress and insidiously "muddles up" the issue. One wonders who she really is and where she came from . . .

4. CONCLUSIONS:

a. The Stalled Crusade. Unfortunately, what began on such a high note never succeeded in embarking. In some respects, however, I have managed to satisfy some of my curiosity.

b. Everyone is Expendable. I have seen firsthand how ready and willing the policy people are to sacrifice or "abandon" anyone who might be perceived as a political liability. It is quick and facile, and can be easily covered.

c. High-Level Knavery. I feel strongly that this issue is being manipulated and controlled at a higher level, not with the goal of resolving it, but more to obfuscate the question of live prisoners, and give the illusion of progress through hyperactivity.

d. "Smoke and Mirrors". From what I have witnessed, it appears that any soldier left in Vietnam, even inadvertently, was, in fact, abandoned years ago, and that the farce that is being played is no more than political legerdemain done with "smoke and mirrors", to stall the issue until it dies a natural death.

e. National League of Families. I am convinced that the Director of this organization is much more than meets the eye. As the principal actor in the grand show, she is in the perfect position to clamor for "progress", while really intentionally impeding the effort. And, there are numerous examples of this. Otherwise, it is inconceivable that so many bureaucrats in the "system" would instantaneously do her bidding and humor her every whim.

f. DIA's Dilemma. Although greatly saddened by the role ascribed to the Defense Intelligence Agency, I feel, at least, that I am dealing with honest men and women who are generally powerless to make the system work. My appeal and attempt to amend this role perhaps never had a chance. We, all, were subject to control. I particularly salute the personnel in the POW-MIA Office for their long suffering, which I regrettably was unable to change. I feel that the Agency and the Office are being used as the "fall guys" or "patsies" to cover the tracks of others.

5. RECOMMENDATIONS:

a. One Final Vietnam Casualty. So ends the war and my last grand crusade, like it actually did end, I guess. However, as they say in the Legion, "je ne regrette rien . . ." For all of the above, I respectfully request to be relieved of my duties as Chief of the Special Office for Prisoners of War and Missing in Action.

b. A Farewell to Arms. So as to avoid the annoyance of being shipped off to some remote corner, out of sight and out of the way, in my own "bamboo cage" of silence somewhere, I further request that the Defense Intelligence Agency, which I have attempted to serve loyally and with honor, assist me in being retired immediately from active military service.

Millard A. Peck,
Colonel, Infantry USA.

POW Management Inquiry

What's the story? (Not, what's the problem.)
Define the *current* situation.
  What is known?
  What is unclear?
  What is presumed?
What is the time-line for the issue? (From "now" back to the start.)
What were significant events?
  When?
  What?
  Where?
  Who?
  How?
  Why?
Is the mission clear?
  How is it documented?
  Who gives tasking and direction?
What are the products?
  Who approves the products?
Where do the products go?
What are the products used for?
Are "answers" directed by external players?
What is the make-up of the organization?
  Numbers?

  Types of Skills?
  Experience level?
  Turn-over rate?
What would you change?
  Why?
  How sure are you that——————will fix it?
  How much of your own money would you bet?
What would cause you to change your presumptions?
Who would be against this change?
  Why?
Who would support this change?
  Why?

Senator McCain. I am sure Senator Smith will provide you with the document that was sent to him, or the House Arms Services Committee saying that they did not exist.

Mr. Andrews. If I may add, just as a follow-up comment, the Gaines Report was something that Mike Peck had paid a lot of attention to. And as we looked into the management inquiry, it was clear that some—in fact, he often referred back to this—that many, or some of his comments were concerns that came out of the Gaines Report. But that was in 1986. And that was before the office was doubled in size, and before a lot of changes were made.

And so I don't think it is necessarily a correct conclusion to say well, if it existed then, it exists today in the office. We will look for facts, and if we couldn't find the facts to back it up, we had to conclude that there wasn't a mindset to debunk—which is the major charge in the Gaines Report.

Senator McCain. But that does not look into the aspect of informing the House Arms Services Committee that it does not exist.

The Chairman. Mr. Secretary, does it strike you as a little bit strange that—or ironic, perhaps, I am not quite sure what the right word is—but the farther we get away from the time that these men were lost and unaccounted for, the farther we get away, the larger the office gets, the bigger the inquiry grow? Does that make a statement about what was not taking place in the immediate period when the trail was hottest? I mean, you know, you just said the office has doubled since 1986. And now we have another 102 people coming on.

If I am sitting there, I am saying, wait a minute—102 people now, the office gets doubled in 1986, and in 1986 it is already 13, 14 years down the road—or 12 years. Does that make a comment, or am I again off-base?

Mr. Andrews. Senator, I think you can draw your conclusion. I think as the Secretary said this morning, in the past there were things that probably could have been done that were not done. We are doing the best we can to try to fix the problem and to get on and get the job done—complete accountability.

The Chairman. Well, I want you to know this is the first time anybody from the Administration or the Defense Department has come forward—and I applaud you for it—and said, hey there were some problems. Nobody has acknowledged that. There had not been any problems, we have been told, up until now.

Mr. Andrews. The Secretary acknowledged it this morning.

The Chairman. Agreed—today, I am saying, and earlier this morning, a very significant statement—I think it is the first time that it has been on record. And I applaud you for your candor in saying that. I think it is a very important departure.

Senator Reid.

Senator REID. Let me just say this—that you, and Senator Smith have had, because of your responsibilities, access to some of these things we are just learning about now. But I would like to say that I think this questioning that has been done, especially Senator Smith, the last little bit has been most helpful.

We, in our charge, have to first of all determine if there are any live POW's; but also to make sure that whatever decision, how we arrive at our decision looks into all of the problems that have developed in the past, and to make sure that the public knows that we have not left anything uncovered. And I think it is this type of inquiry that Senator Smith did that we are going to have to do more of. So that these areas are resolved once and for all; so that people do not feel it is a cover-up. And we know that your responsibilities are difficult, and this is only part of your responsibility.

But we need your help to get to the bottom of this—these two reports, one of which is oral and one of which is not. So, Senator Smith, I appreciate very much your line of inquiry. It has been an education to us all.

The CHAIRMAN. Are there any further questions of Secretary Andrews? [No response.]

The CHAIRMAN. If not, Mr. Secretary thank you. And if you would, as Senator McCain has requested, report back with respect to the sequence on what you are aware of, with respect to whether there is any additional report. And staff would be glad to make available to you what we do have, so you can measure that against what you have. And we would appreciate that very much. Thank you.

And if I could ask Mr. Ken Quinn if he would come forward, and then Secretary Ford. I know you are going to be here throughout these hearings, I gather—or representatives. One of the things we are going to do—and I just want to put people on notice is—often, what happens in this process is somebody throws out an accusation and something happens in the course of a hearing, and there is no response to it.

We have asked that, particularly as critics come forward and set forth their feelings about what has not happened, and so forth, we really want the Administration to hear what they are saying. And then we want to have people come on and respond to it. We do not want to just leave things hanging. We would like to try and sort out what is fact and what is fiction here. And we do not want anybody unfairly having a finger pointed at them.

So we would ask if you would be prepared to do that, sir toward the end of this process.

Mr. Secretary, thank you for taking time. It is good to see you again.

Before you sit down and get too comfortable, could I swear you in, if I may?

[Witness sworn.]

The CHAIRMAN. Would you just give us a little bit of your background for the record, and how you come to this issue, and what your involvement is before you go into your statement?

STATEMENT OF KENNETH M. QUINN, DEPUTY ASSISTANT SECRETARY OF STATE

Mr. Quinn. Certainly, Senator. First, let me apologize. I was just down the hall and didn't think I would be called quite so quickly.

I am a career Foreign Service Officer approaching my 25th year. I joined the Foreign Service in 1967 and at the middle of the Vietnam War, and was assigned to Vietnam, and spent 6 years there.

I think in very unusual circumstances I was assigned in the pacification program to MACV, and was in a situation where, as a civilian, I commanded American troops in combat situation. It was an advisory team. I replaced an Army Major. I was replaced by an Army Major.

I did approximately 250 hours of helicopter combat operations in Vietnam. I was shot at and missed; and shot at and hit. Came back after that——

Senator Reid. What years were these?

Mr. Quinn. 1967 to 1974—I had a variety of jobs in Vietnam. That was the job I had for the first 2 years.

The Chairman. You had one of the longer tours, did you not?

Mr. Quinn. I came back. I did some time at the National Security Council staff in the State Department. I spent 4 years on sort of loan to the Governor of Iowa, Governor Bob Ray, and working while still in the Foreign Service for him; and worked on refugee issues, as well as issues within the State.

After that, I was in Vienna working on—and this was in the early 1980's, with our mission from the United Nations on Narcotics Control and Middle Eastern refugees, and worked on Secretary Schultz's staff for a couple of years.

And before coming back to Washington I was Deputy Chief of Mission in Manila, 1987 to 1990. During several coup attempts, terrorist campaigns conducted against the United States—which we had 10 Americans, official Americans who were killed—and other terrorist attempts against us.

And then in 1990, Assistant Secretary Solomon asked me to come back to Washington and work for him. And I did. And that is how I got here today.

The Chairman. And Mr. Secretary, you are fluent in Vietnamese, are you not?

Mr. Quinn. Well, I had a year of training. I used it a lot. In Vietnam I was tested at the 4–4 level. I was interpreter once for President Ford. I have done other meetings in Vietnamese. But to be very honest, it has gotten rusty since I've left Vietnam. I still find myself groping here and there for words.

Senator Reid. What does 4–4 mean?

Mr. Quinn. A native speaker would be a 5–5 in the Foreign Service Institute testing system. And somebody who is just getting started, and knew a few words, would be a 0+ which is what I have in French. But we don't, aside from people who are ethnic Vietnamese or who are born there, we don't have any 5–5 speakers in Vietnamese.

The Chairman. The reason I raise that is that in the course of your visits over there, and in the course of your negotiations as head of the inter-agency group on POW–MIA, you have been able to rely on your own conversations and interpretations and not on somebody feeding you information and so forth. You have really had a personal involvement in this which is perhaps second only to people like Bill Bell and others who have been over there on the ground working.

Mr. QUINN. Well, certainly being able to speak the language gives you an understanding and another dimension. I would say the Vietnamese Diplomatic Corps has a number of quite accomplished speakers in English. And so we will often have many discussions in English.

The CHAIRMAN. Would you share with us, Mr. Quinn, an outline of your testimony. We will put the full testimony in the record as if read.

Mr. QUINN. I came up. I guess I hadn't done any type of summary of it. Is it possible that I could read it?

The CHAIRMAN. What do you figure?

Mr. QUINN. Maybe 8 or 9 minutes.

The CHAIRMAN. We will give you 10 minutes anyway.

Mr. QUINN. Senator Kerry, Senator Smith, Senator McCain, Senator Reid, my testimony today, I would like to provide the committee an accounting of the diplomatic activities and other efforts of the U.S. Government on the POW/MIA issue, since I became Chairman of the Interagency Group, the IAG in July 1990.

I realize you likely will have questions about other periods of time, and I will, of course, endeavor to answer them. But in terms of effort on POW/MIA, this has been an extremely active period, perhaps the most active since the end of the war.

And it is important to note just what is different because what has occurred in the past 15 months, we now have a clear, carefully spelled out and written down policy on normalization of relations with Vietnam, called the roadmap which blends two important U.S. foreign policy goals: comprehensive political settlement on Cambodia; and POW/MIA accounting. This policy was conveyed to the Vietnam government in writing.

We now have an established process to communicate with the Vietnamese government at the policy level. This channel was established in July 1990 by Secretary Bake and initially focused on the Cambodian peace negotiations, but has also served as an important vehicle to impress upon Vietnam, the centrality of the POW/MIA issue, of improving our relationship.

The first meeting within that channel was held in New York on August 6, 1990 between Vietnamese Ambassador to the United Nations, Trin Sung Lang, who is here today, and myself.

We now have a POW/MIA office in Hanoi with a staff working full-time on this issue, and we now have had over the past 15 months a number of high level exchanges with Vietnam, Laos and the authorities in Phnom Penh, all of which have had POW/MIA as a central topic.

Let me briefly list them. Secretary Baker met with then foreign minister, Ngugen Co Thach in New York in September 1990 and with newly appointed foreign minister Ngugen Manh Cam on September 23.

These represented the first bilateral meetings at the secretary level since the end of the war. Foreign Minister Thach visited

Washington in October 1990, meetings with General Vessey and the IAG, exclusively on POW/MIA.

At that time, Minister Thach also came here to Capitol Hill to meet with Members of the Congress. Secretary Baker met with Lao Foreign Minister Phoun in the same period, also the first time since the war that the POW/MIA issue has been raised directly at the ministerial level with Laos.

General Vessey made two trips to Hanoi this year which led to the establishment of ou first POW/MIA office, as well as Vietnamese agreement to take certain specific steps which supplement and implement the roadmap.

Assistant Secretary Solomon met twice with Vietnamese Vice Foreign Minister Le Mai to discuss both Cambodia and POW/MIA issues. Mr. Solomon also met with Mr. Hun Sen in Paris October 24, a meeting that I was also present at, during which POW/MIA cooperation was discussed extensively.

Also important to note are the recent visits to Washington of Phnom Penh Foreign Minister Hor Nam Hong and Vietnamese Vice Foreign Minister, Tran Quang Co, the first senior Vietnamese official to visit the Pentagon, both met with IAG principals to discuss POW/MIA exclusively.

Not all of our diplomatic activities during the past 15 months have been with the governments of Vietnam and Laos and the Phnom Penh authorities. We have also coordinated diplomatic approaches with many countries active in the area to ensure they understood our policy objectives in Indochina.

We have urged friendly countries to limit diplomatic aid and economic activities with Vietnam until progress is made on these objectives. We have also approached countries which potentially might have information about the POW/MIA issue.

Secretary Baker has personally raised the issue with senior Soviet officials, so has acting Assistant Secretary of Defense, Carl Ford, and since July 1990 I have carried on a dialogue with Soviet diplomats, particularly about the possibility of Americans still being alive in Vietnam.

We have also discussed the issue with officials of the People's Republic of China. Just recently we worked with China to facilitate a visit by a family member which resulted in important information being obtained relating to that family's missing loved one.

In sum, the past 15 months have seen diplomatic efforts of an unprecedented breadth and scope on behalf of our POW/MIA effort.

But that is not all we have done. Another extremely important aspect of our efforts which I want to make special note, has been our rapid reaction to reports of Americans alive in capacity.

There have been two such cases to come before the IAG in the last 12 months. The first which occurred in October 1990 involved a report and a photo of an individual identified as Walter T. Robertson. Even though a careful analysis indicated that the person in the photo was not the Walter T. Robertson who served in the U.S. military, or the one who was a crewman on the Glomar Java Sea, we could not preclude the possibility that he was an American.

So the IAG urgently dispatched a plane and a team to Vietnam to investigate the case. We eventually determined that the man involved was not an American.

The second instance surrounded several highly publicized photos which are identified by family members as being five American servicemen. The first of these photos was brought to my attention on July 12 by Shelby Quast, the daughter of one of the men. Shelby is here today.

The certainty with which she and more than a dozen other family members identified the three men in the photo as Colonel Robertson, Lt. Commander Stevens and Major Lundy was powerful and compelling evidence.

Within an hour I had convened an emergency session of the IAG, including General Vessey, which agreement was quickly reached on specific steps to be taken. Before the day was out and with the concurrence of the three families, I communicated the photo to the Vietnamese, to Ambassador Lang, using that channel I mentioned before and instructed our embassy in Vientiane to approach the Lao government and Phnom Penh's ambassador.

In all three instances, we called on the authorities to undertake an urgent and immediate investigation. Shortly thereafter Secretary Baker wrote to Minister Thach stressing the importance of Vietnam's urgent cooperation.

I met for 2 hours with the three families involved. During that time they implored me to go to Hanoi to investigate the photos. I said I would and I did; 3 days later, I left for Asia to investigate that photo as well as two other photos which subsequently became available, which pictured men identified by their families as Lieutenant Borah and Captain Carr.

My meeting with Cambodian officials in Beijing led to unprecedented cooperation by Phnom Penh's authorities in investigating not only these photos but also a number of other POW/MIA incidents. A DIA investigative team which was received in Phnom Penh immediately thereafter developed important information relevant to the photos of the three men. This led to follow on visits including a recent field activity on Tang Island, the site of the Mayaguez incident.

On this same trip I also travelled to Hanoi and Vientiane. In both cases I stressed the importance of immediate and thorough action to investigate the photo of the three men and the other photos, and I am able to report that the response by both the Lao and Vietnamese governments to this, the most urgent information about possibly live Americans to come before the IAG since I have been its chair, was very positive.

In Hanoi, my meeting with Vice Foreign Minister Le Mai, I obtained agreement for access to prisons where we had reports the photos were taken, an action again totally without precedent.

The Vietnamese also provided information from military archives and records which heretofore was unavailable and they agreed to immediate reexcavation of the crash site of Colonel Robertson's plane.

Lao officials also pledged full cooperation, and shortly thereafter, acting unilaterally, located the Lao citizen who apparently was the person in the photo identified as Lt. Borah. They also made this person available to U.S. experts, and I believe you will hear from other defense witnesses regarding the details of this investigation.

I would be remiss, Mr. Chairman, if I did not make specific reference to the superb support I received from Department of Defense personnel, both from DIA headquarters in Washington and those stationed in Bangkok and Hanoi throughout this trip to Asia.

Warren Gray I think is here, Bill Bell, John Cole, they worked, Mr. Chairman, until midnight and beyond every night to ensure that when I went to each location, that I had every bit of information and every resource at my facility to pursue this investigation.

In addition to the diplomatic steps I have just outlined, there have been other significant actions taken in the past 16 months by General Vessey, officials of the defense department, other members of the IAG and indeed by Members of the Congress, and of course, you have made several trips, I know Senator McCain has during this time.

And I think all of this is part of the mosaic for America's POW/MIA efforts, and therefore terribly important. I have not tried to detail any of this in my testimony, but I think it is important that we recognize that there is a totality of effort that goes into this process aimed at assuring the fullest possible accounting for our missing service members.

I believe it would be useful, Mr. Chairman, if I said a few words about U.S. policy, vis-a-vis Vietnam, on normalization of relations with Vietnam. I want to be clear that our policy today remains unchanged. The United States is prepared to proceed toward normalization of relations with Vietnam only in the context of a comprehensive policy settlement in Cambodia.

The pace and scope of the normalization process will be directly affected by the seriousness with which Vietnam cooperates on the POW/MIA issue.

Let me emphasize that the roadmap did not change that policy, rather it details a path we could follow based on that policy. It fuses together our objectives on Cambodia and POW/MIA and lays out a four phased game plan within which, as progress is made on Cambodia and POW/MIA, we are prepared to take concomitant steps in expanding U.S. economic and political activity with Vietnam and Cambodia.

At first the steps with Vietnam will be small, but as mutual confidence is developed, and I emphasize, as progress on Cambodia and POW/MIA continues, the steps increase in importance.

The roadmap is constructed in a way so that we could move rapidly or slowly, depending on Vietnamese cooperation. It is important to stress that central to the roadmap is Hanoi's addressing the live prisoner of issue, returning available U.S. remains, and implementing a 24 month process to investigate every POW/MIA case.

It is also important to note that the roadmap addresses the humanitarian issue of the release of political prisoners still held in reeduction.

While it is useful to enumerate the various diplomatic actions we have taken, we have to judge our success based on the results we achieve, and there has been progress. Our office in Hanoi has had access to information from official Vietnamese records, archives and files as well as war museums.

It has been a significant help in advancing our knowledge in a number of discrepancy cases and therefore directly related to the live prisoner issue. Vietnam responded immediately and positively in the photo investigation, including granting access to two prisons, and in the past 12 months the U.S. has removed 51 remains from Vietnam, 19 of which have been identified as particular U.S. servicemen and 18 others as possibly Americans.

In Phnom Penh we have had more significant assistance on the photo cases and a demonstrated willingness to work cooperatively on other individual cases as well including missing American journalists.

We have seen a number of important breakthroughs in Lao POW/MIA cooperation. We have conducted our first-ever investigations into discrepancy cases involving men last known to have been alive in Lao hands. We have expanded our POW/MIA efforts, previously limited to two southern provinces into four additional provinces. In May, the Lao agreed to an expanded annual schedule of POW/MIA activities including field activities during the rainy seasons.

And most recently, the Lao foreign minister told Secretary Baker that his government would participate in a trilateral meeting with the U.S. and Vietnamese to discuss cases along the Lao/SRV border and as I noted earlier, the Lao cooperated very effectively on the photo believed to be of Lieutenant Borah.

We have consistently told Vietnam that the formal process of normalization of relations could only begin with the signing of the Paris agreement. That approach was embodied in our policy as presented to the Vietnamese by Assistant Secretary Solomon last April.

Based on the fact that both Vietnam and the Phnom Penh authorities did sign the Paris agreement on Cambodia and that POW/MIA cooperation and the release of reeducation prisoners has begun, the U.S. has responded by announcing that we are taking the steps we said we would to begin the roadmap.

Secretary Baker announced in Paris that the U.S. would soon send a diplomatic mission to Cambodia to represent us to the Supreme National Council, lift our trade embargo on Cambodia once UNAMIC, that is the U.N. Advanced Mission in Cambodia is in place and implementation of the peace agreement has begun, remove the 25 mile travel restrictions on Vietnamese diplomats at the U.N., revise our trade embargo to permit U.S. organization travel to Vietnam by groups such as veterans, business organizations and others, and start talks with Vietnam on the issues and modalities involved in the normalization process, and earlier Ambassador Lang and I were discussing a date for the beginning of those talks.

Now these are the only steps in the roadmap we have taken with Vietnam. No other decisions have been made to take any further steps. Our policy remains as stated and laid out in the roadmap. That will continue to be our policy. We are in control of the process, and we are prepared to move forward, but only with continued progress on Cambodia and POW/MIA.

Now in that regard, I note that following the Secretary's announcement in Paris, the Vietnamese have given us the increased access we requested to some key military records and have indicated they have a significant number of additional remains ready for the two sides to jointly examine.

I would hope that this development indicates that we could look to more progress and greater results, because, Mr. Chairman, our policy is driven by a desire to end the agony suffered by families of our POW/MIA's as well as the agony of the Cambodian people. We have made progress toward both of these goals, but we still have a considerable way to go.

So let me end by saying, and on behalf of Secretary Baker as well as for myself, that we intend to build on the accomplishments we have achieved and continued our efforts toward the goal that I believe we all share which is the fullest possible accounting for all of our POW/MIA's.

I apologize, I think I went over the time involved.

[The prepared statement of Mr. Quinn follows:]

Prepared Statement of Kenneth M. Quinn

Mr. Chairman, Senator Smith, members of the select committee, in my testimony today, I would like to provide the committee an accounting of diplomatic activities and other efforts of the U.S. Government on the POW/MIA issue since I became Chairman of the Inter-Agency Group (IAG) in July 1990. I realize that you will likely have questions about other periods of time and I will, of course, endeavor to answer them but, in terms of effort on POW/MIA, this has been an extremely active period, perhaps the most active since the end of the war. It is important to note just what has occurred.

We now have a clear, carefully spelled out and written down policy approach on normalization of relations with Vietnam—called the roadmap—which blends two important U.S. foreign policy goals—a comprehensive political settlement on Cambodia and POW/MIA accounting. This policy was conveyed to the Vietnam Government in writing.

We now have an established process to communicate with the Vietnamese Government at the policy level. This channel was established in July 1990 by Secretary Baker and initially focused on the Cambodian peace negotiations but has also served as an important vehicle to impress upon Vietnam the centrality of the POW/MIA issue to improving our relationship. The first meeting within that channel was held in New York on August 6, 1990.

We now have a POW/MIA office in Hanoi, with the staff working full time on this issue.

And we now have had—over the past 15 months—a number of high level exchanges with Vietnam, Laos and authorities in Phnom Penh, all of which had POW/MIA as a central topic.

Secretary Baker met with then Foreign Minister Nguyen Co Thach in New York in September 1990 and with newly appointed Foreign Minister Nguyen Mann Cam in Paris on October 23. These represented the first bilateral meetings at the Secretary level since the end of the war.

Foreign Minister Thach visited Washington in October 1990 for meetings with General Vessey and the IAG, exclusively on POW/MIA. Minister Thach also came here to Capitol Hill to meet with Members of Congress.

Secretary Baker met twice with Lao Foreign Minister Phoun in this same period, also the first time since the war the POW/MIA issue has been raised directly at the ministerial level.

General Vessey made two trips to Hanoi this year which led to the establishment of our first POW/MIA office as well as Vietnamese agreements to take and implement the roadmap.

Assistant Secretary Solomon met twice with Vietnamese Vice Foreign Minister Le Mai to discuss both Cambodia and POW/MIA issues. Mr. Solomon also met with Mr. Hun Sen in Paris October 24 during which POW/MIA cooperation was discussed extensively.

Also important to note are the recent visits to Washington of Phnom Penh Foreign Minister Hor Nam Hong and Vietnamese Vice Foreign Minister Tran Quang

Co, the first senior Vietnamese official to visit the Pentagon. Both met with IAG principals to discuss POW/MIA.

Not all of our diplomatic activities during the past 15 months have been with the Governments of Vietnam and Laos and the Phnom Penh authorities. We have also coordinated diplomatic approaches with many countries active in the area to ensure they understood our policy objectives in Indochina particularly on a Cambodian settlement and POW/MIA. We have urged friendly countries to limit diplomatic, aid and economic activities with Vietnam until progress was made on these objectives.

We have also approached countries which potentially might have information about the POW/MIA issue. Secretary Baker has personally raised the issue with senior soviet officials. So has acting Assistant Secretary Carl Ford. Since July 1990 I have carried on a dialog with Soviet diplomats particularly about the possibility of Americans still being alive in Vietnam. We have also discussed the issue with officials of the Peoples Republic of China. Just recently we worked with China to facilitate a visit by a family member which resulted in important information being obtained relating to that family's missing loved one.

In sum, the past 15 months have seen diplomatic efforts of an unprecedented breadth and scope on behalf of our POW/MIA effort.

Reports of Live Americans

Another aspect of our efforts of which it is important to take note has been our rapid reaction to reports of Americans alive in captivity.

There have been two such cases to come before the IAG in the last 12 months. The first, which occurred in October 1990, involved a report and a photo of an individual identified as Walter T. Robertson. Even though a careful analysis indicated that the person in the photo was not the Walter T. Robertson who served in the U.S. military or the one who was a crewman on the Glomar Java Sea, we could not preclude the possibility that he was an American. So the IAG urgently dispatched a plane and team to Vietnam to investigate the case. We eventually determined that the man involved was not an American.

The second instance surrounded several highly publicized photos which were identified by family members as being five American servicemen. The first of these photos was brought to my attention on July 12 by Shelby Quast, the daughter of one of the men. The certainty with which she and more than a dozen other family members identified the three men in the photo as Colonel Robertson, Lt. Commander Stevens and Major Lundy was powerful and compelling evidence. Within an hour I had convened an emergency session of the IAG, including General Vessey, at which agreement was quickly reached on specific steps to be taken. Before the day was out, and with the concurrence of the three families, I communicated the photo to the Vietnamese and instructed our Embassy in Vientiane to approach the Lao Government and Phnom Penh's Ambassador. In all three instances we called on the authorities to undertake an urgent and immediate investigation. Shortly thereafter, Secretary Baker wrote to Foreign Minister Thach stressing the importance of Vietnam's urgent cooperation.

Mr. Chairman, I met for 2 hours with the three families involved, during that meeting they implored me to go to Hanoi to investigate the photos. I said I would. And I did.

Three days later I left for Asia to investigate that photo—as well as two other photos which subsequently became available which pictured men identified by their families as Lt. Borah and Captain Carr. My meeting with Cambodian officials in Beijing led to unprecedented cooperation by Phnom Penh's authorities in investigating not only these photos but also a number of other POW/MIA incidents. A DIA investigative team which was received in Phnom Penh immediately developed important information relevant to the photos of the three men. This led to follow on visits including a recent field activity on Tang Island, the site of the Mayaguez incident.

On this same trip, I also traveled to Hanoi and Vientiane, in both cases I stressed the importance of immediate and thorough action to investigate the photo of the three men. I am able to report that the response by both the Lao and Vietnamese Governments to this, the most urgent information about possibly alive Americans to come before the IAG since I have been its chair, was very positive.

In Hanoi in my meeting with Vice Foreign Minister Le Mai I obtained agreement for access to prisons where we had reports the photos were taken—an action totally without precedent.

The Vietnamese also provided information from military archives and records which heretofore was unavailable and agreed to an immediate reexcavation of the crash site of Colonel Robertson's plane.

Lao officials also pledged full cooperation and shortly thereafter, acting unilaterally, located the Lao citizen who apparently was the person in the photo identified as Lt. Borah. They also made this person available to U.S. POW/MIA experts.

I would be remiss, Mr. Chairman, if i did not make specific reference to the superb support I received from Department of Defense personnel from DIA headquarters in Washington and stationed in Bangkok and Hanoi throughout this trip to Asia.

In addition to the diplomatic steps I have just outlined, there have been other quite significant actions taken during the past 16 months by General Vessey, officials of the defense department, other members of the IAG, and indeed by Members of Congress and private organizations, all of which are very important parts of the mosaic of America's POW/MIA efforts. I have not detailed them in my testimony because you will be hearing directly from many of them about what they have accomplished. I do want to note, however, that they form part—an essential part—of this picture of greatly increased activity aimed at assuring the fullest possible accounting for our missing service members.

The Roadmap

I believe it would be useful, Mr. Chairman, if I said a few words about U.S. policy vis-a-vis Vietnam on normalization of relations with Vietnam. Our policy today remains unchanged. The United States is prepared to proceed toward normalization of relations with Vietnam only in the context of a comprehensive political settlement in Cambodia. The pace and scope of the normalization process will be directly affected by the seriousness with which Vietnam cooperates on the POW/MIA issue.

Let me emphasize that the roadmap did not change that policy—rather it details a path we could follow based on that policy. It fuses together our objectives on Cambodia and POW/MIA and lays out a four phased gameplan within which, as progress is made on Cambodia and POW/MIA, we are prepared to take concomitant steps in expanding U.S. economic and political activity with Vietnam and Cambodia. At first the steps with Vietnam will be small, but as mutual confidence is developed and, I emphasize, progress on Cambodia and POW/MIA continues, the steps increase in importance. The roadmap is constructed in a way so that we could move rapidly or slowly, depending on Vietnamese cooperation. It is important to stress that central to the roadmap is Hanoi's addressing the live prisoner issue, returning available U.S. remains and implementing a 24-month process to investigate every POW/MIA case. It is also important to note that the roadmap addresses the humanitarian issue of the release of political prisoners still held in reeducation.

While it is useful to enumerate the various diplomatic actions we have taken, we have to judge our success based on the results we achieve. And there has been progress.

Our office in Hanoi has had access to information from official Vietnamese records, archives and files as well as war museums. This has been a significant help in advancing our knowledge on a number of discrepancy cases and therefore directly related to the live prisoner issue. Vietnam responded immediately and positively in the photo investigation including granting access to the two prisons. In the past 12 months, the U.S. has removed 51 remains from Vietnam, 19 of which have been identified as particular U.S. servicemen and 18 others as possibly Americans. In Phnom Penh we have had more significant assistance on the photo cases, and a demonstrated willingness to work cooperatively on other individual cases as well, including missing American journalists.

We have also seen a number of important breakthroughs in Lao POW/MIA cooperation. We have conducted our first-ever investigations into discrepancy cases involving men last known to have been alive in Lao hands. We have expanded our POW/MIA efforts, previously limited to two southern provinces, into four additional provinces. In May, the Lao agreed to an expanded annual schedule of POW/MIA activities, including field activities during the rainy season. Most recently, the Lao Foreign Minister told Secretary Baker that his government would participate in a trilateral meeting with U.S. and the Vietnamese to discuss cases along the Lao-SRV border. And as I noted earlier, the Lao cooperated very effectively on the photo believed to be of Lt. Borah.

We have consistently told Vietnam that the formal process of normalization of relations could only begin with the signing of the Paris agreement. That approach was embodied in our policy as presented to the Vietnamese by A/S Solomon last April. Based on the fact that both Vietnam and the Phnom Penh authorities did sign the Paris agreement on Cambodia, and that POW/MIA cooperation and the release of reeducation prisoners has begun, the U.S. has responded by announcing that we are taking the steps we said we would to begin the road map. Secretary Baker announced in Paris that the U.S. would: soon send a diplomatic mission to Cambodia to represent us to the Supreme National Council; lift our trade embargo on Cambodia once UNAMIC is in place, and implementation of the peace agreement has begun; remove the 25 mile travel restriction on Vietnamese diplomats at the UN; revise our trade embargo to permit U.S.-organized travel to Vietnam by groups, such as veterans, business organizations and others, and start talks with Vietnam on the issues and modalities involved in the normalization process.

These are the only steps in the roadmap we have taken with Vietnam. No other decisions have been made to take any further steps. Our policy remains as stated and laid out in the roadmap. That will continue to be our policy. We are in control of the process. We are prepared to move forward but only with continued progress on Cambodia and POW/MIA. In that regard I note that following the Secretary's announcement in Paris, the Vietnamese have given us the increased access we requested to some key military records and have indicated they have a significant number of additional remains ready for the two sides to jointly examine.

I would hope that this development indicates that we can look to more progress and greater results because, Mr. Chairman, our policy is driven by a desire to end the agony suffered by families of our POW/MIA's as well as the agony of the Cambodian people. We have made progress toward both these goals. we have a Cambodian agreement. We have an office in Hanoi. We have some important advances on POW/MIA. But we still have a considerable way to go. So let me end by saying, on behalf of Secretary Baker as well as for myself, that we intend to build on the accomplishments we have achieved and continue our efforts toward the goal we all share—the fullest possible accounting for all our POW/MIA's.

The CHAIRMAN. We appreciate the testimony and really, that was a guideline, not a strict requirement.

Let me ask you some questions which position me sort of as a devil's advocate a little bit, and I want to emphasize that I am not, at this point, taking one side or the other in this, but I want to try to test some of the theories about all of this.

First of all, when was the last time, during that period of service in the early 1970's, that you left Vietnam?

Mr. QUINN. Well, I transferred out in May 1974, but I returned to Vietnam on several occasions after that, and I was last there at the end of March, the beginning of April with General Wyand on the Presidential fact-finding mission which made an assessment for President Ford of the military situation and provided a prognosis for the survival of the government in Saigon.

The CHAIRMAN. Now at that period of time, which was after the formal conclusion of the United State involvement, during the interim period prior to the fall of the government, did you have any knowledge at that time of intelligence that indicated the possibility of any Americans being held alive in Vietnam or in Laos?

Mr. QUINN. Alive in captivity?

The CHAIRMAN. In captivity?

Mr. QUINN. No, sir.

The CHAIRMAN. So after Operation Homecoming, to the best of your knowledge there was no data that you had access to through your sources in Vietnam and through the U.S. Government that indicated to you that an American was being held alive and in captivity?

Mr. QUINN. No, sir. But I think I should emphasize that POW/MIA was not a subject that I worked on in detail.

The CHAIRMAN. I understand, fair enough. I am just wondering if in the course of your discussions somebody came up to you and said, hey, you know, not everybody went back, Operation Homecoming is not complete. Did you ever hear that?

Mr. QUINN. No, sir, I did not. There were reports during the war which I remember seeing of individuals who had possibly gone over to the other side, I am not sure what the right word is on that and there were a couple of names there who I understood did not return.

I didn't know and I still don't know today what their fate was, but those were the only names that I recall from that period.

The CHAIRMAN. Are those people that you say, quote, "went over to the other side," listed as MIA/POW today?

Mr. QUINN. The one name that I recall from that period, I believe is not listed as POW/MIA, but is listed as somebody about whom we don't know what his particular fate was.

The CHAIRMAN. So that person is not among the 2,273?

Mr. QUINN. I don't believe so, but I would have to——

The CHAIRMAN. Secretary Ford, do you know the answer to that?

Mr. FORD. Mr. Chairman, as far as I know, there are no names on our list of 2,273 that were in a deserter or AWOL category.

The CHAIRMAN. We will come back to that later but let's sort of look at this thing from the perspective of the average American who doesn't know a lot about it, who certainly hasn't read intelligence, would you say, is there any doubt in your mind, that Vietnam wants to normalize?

Mr. QUINN. No, I believe that Vietnam does want to proceed in the direction of a better relationship, a more normal relationship with the United States.

The CHAIRMAN. Could Vietnam normalize if a week from now we discovered a camp full of Americans being held or with 10 or 2 or 1?

Mr. QUINN. I couldn't imagine that possibility, Senator.

The CHAIRMAN. And they must be aware of that, correct?

Mr. QUINN. I would assume that having had people in the United States, that they would know that.

The CHAIRMAN. Most people would assume that if we were to discover they were holding somebody, it would be years before this country——

Mr. QUINN. It would be destructive of the whole process.

The CHAIRMAN. Now if that is true, and I accept that that basically is true, can you help the committee to understand, for those who assert that the government is holding somebody over there, what rationale, what is the purpose, what gain since 19 years have almost elapsed and there has been, I take it, no offer—have you ever received an offer to negotiate the return of people?

Mr. QUINN. Return of live——

The CHAIRMAN. Return of live Americans?

Mr. QUINN. I never have, no, Senator.

The CHAIRMAN. Has anyone ever seen any intelligence or any data that has through a back channel that has sought payment for the return of people?

Mr. QUINN. Not that I know of.

The CHAIRMAN. And therefore, why would the government today be holding somebody in your view, you are the head of the group that is tasked with trying to return a live American, what is there that would make you believe that there is an opportunity that a live American might be held by the government? I am leaving aside the possibility of some outside group. But is there any rationale at all that you could understand that comes to any person in your group?

Mr. QUINN. I don't think that there is anything that I would think of that would explain a position like that on the part of Vietnam. I have had many meetings over the time that I have been in the IAG and I have met with people who are critics of our process and who put forward arguments or possible justifications, sometimes it relates to expert information, technical information that particular Americans might have had.

So I have heard these positions put forward, but I believe that for Vietnam to take a position like that, they would have to understand that it would be very destructive of any type of diplomatic hope of progress.

The CHAIRMAN. Now presuming that when, let's say that, let me ask it this way. When I was in Hanoi I met with the ambassadors of Great Britain, Italy, France, Australia and one other country, it slips my mind at this moment, but all five of the ambassadors looked at me in the course of our luncheon and said, Senator, you are crazy.

Your country is crazy. We are over here. We go all over the Country. We have diplomatic presence, you don't. Why don't you get over here, and if you want to find people who are alive, get your people in the country, on the ground, and talk to people the way we do because we have been here for years, and we don't have any sign of any of your people being alive.

Now are we different? Do we view the world differently? Is there some reason that we should look at this differently, and again, I am sort of being the devil's advocate on this with you, but I want to know what your thinking is on it since you are the head of this agency group?

Mr. QUINN. I think that is important to have people on the ground and able to move around and talk and investigate and that's why we have the office there. So I think that is—and the office has more than proved its worth in the short time that it has been open, to me. So I think that is very valuable.

At the same time, Vietnam was a traumatic experience for our country, and I think it is very important how we proceed in the future and there are obviously a lot of wounds that are still there and they haven't healed.

So our approach has been one to try to find a diplomatic strategy in which we show Vietnam that, yes, we can proceed. Yes, we can move ahead, and to be very clear and precise with Vietnam in saying, this is what has to happen for us to be able to move ahead, and it outlines steps that we can each take, build confidence with each other that we are addressing each other's needs and to move ahead and resolve this issue in a way that will be, allow us to provide the fullest possible accounting on POW/MIA's and also in a way that can have the support of the American people.

The CHAIRMAN. Now what is the likelihood, that somebody fell into hands outside of the government, and that some tribe or group or who knows what, were holding somebody in a jungle in a remote area which is not accessible and that the government wouldn't know it? What is the analysis with respect to that?

Mr. QUINN. In my conversation with Foreign Minister Thach, he has said that Vietnam was not holding anybody alive, but he couldn't say for sure that there wasn't a situation exactly like the circumstances that you have just mentioned, and in fact, he then provided us this information about Walter R. Robertson and the picture which he did not vouchsafe that it was true, but he wanted to be passing on the information which fit the circumstance like that.

So I think you would have to say, given the fact that we have the discrepancy cases, that you have Americans who we cannot say for certain that they perish in the incident and even that took place, that we have to act with the possibility that there could be somebody alive and it's possible that——

The CHAIRMAN. Based on your knowledge of Vietnam and of the region, it is fair to say, is it not, that there are some regions remote enough and some areas that are not sufficiently within the real control of the government, that that could exist?

Mr. QUINN. Well, for Vietnam, it has to be extremely remote. It is a heavily populated country, approaching 70 million people. It has an established governmental infrastructure, and I think the Vietnamese government knows basically what goes on its country.

Laos is different. You know, a huge area, only a couple of million people, that is, I think, if you are talking about probabilities within possibilities, that is a country in which something like that could have a slightly higher probability of occurring.

The CHAIRMAN. Well, it is going to be important for the committee to try to narrow probabilities and possibilities and——

Mr. QUINN. Of course.

The CHAIRMAN. And to try to make assessments regarding them, so, let me come back to that and let me let my colleague pick up——

Senator REID. Mr. Chairman, could we limit it to 5 minutes, there are six of us here.

The CHAIRMAN. Senator Smith.

Senator SMITH. Mr. Quinn, your predecessor, Mr. Lamberton in 1987 said the issue as far as State was concerned was the priority with Laos, the issue of POW's and MIA's. Is that still the case in your opinion?

Mr. QUINN. Yes, it is, it still is. But I think it would be important to note that since then, I don't know exactly what other things we were saying about narcotics in 1987, I would have to go back and check the record.

But certainly now, narcotics cooperation is another very important subject in our relations with Laos.

Senator SMITH. In Henry Kissinger's memoires, he made a statement that in February 1973, that the North Vietnamese handed over to him a list of POW's that had been captured in Laos.

I assume that that list is, I don't know if you have ever seen it——

Mr. QUINN. I have not.

Senator SMITH. The concern that I have, is that the nine that the North Vietnamese had or were these prisoners that were captured by the Pathet Lao? I would like to have, just for the interest of folks back there, have the opportunity to see that list or for the committee to have access to that list. I won't question you on it at this point.

How many reports do you know of in the Department of State pertaining alleged sightings of American POW's in Laos?

Mr. QUINN. Well, most of the reports that are received at the Department of State would come either from the defense department reporting in the field, through its intelligence agencies, or from our embassies, report of our embassy in Vientiane or our embassy in Bangkok reporting, or if other individuals, private citizens would somehow come to us directly.

I don't have any idea—and I am not sure which of those categories you would be referring to.

Senator SMITH. The point is, I think there has to be communication obviously between State and DIA and State or DOD and——

Mr. QUINN. Oh, yes.

Senator SMITH. In terms of keeping the established priority, if POW's are the priority issue with the State Department and with Laos, and surely they ought to have some feedback from DOD as to how many POW sightings we have. So is there such communication between the two as far as you know?

Mr. QUINN. Yes, sir, there is certainly communication——

Senator SMITH. But at this point you don't know how many there are?

Mr. QUINN. I don't know. I wouldn't have a number, but I would certainly undertake to try to get you a number.

Senator SMITH. It just seems like in your position you should know, you want to know the number if it is a priority issue, then it would seem to me that you ought to know how many alleged sightings there are——

Mr. QUINN. The information, if I could, Senator, there is voluminous traffic flow and we have reports that will come in that sometimes will be hearsay reports, they will be second hand. Everything is written down and conveyed and that flows through the communication channel and it goes to the analysts and they will look at it and sort it and make some judgments about which are ones that we really should pay attention to and of course, we depend on their judgments to a very high degree.

Senator SMITH. I will accept that. Have we made similar proposals to the Lao that we have made to the Vietnamese. We don't have the diplomatic ties—we have at least some type of embassy ties in Laos. Have we made similar proposals to them? Take us to the live sighting locations, A, and B, have they accepted?

Mr. QUINN. We have gone to them with the live sighting reports and they said that they would investigate them. They said that they would take us, after—when they have done their unilateral investigation, that they would also take us. They did that with the Borah case. They have said that they would do that with the Carr case, and we have our Lao investigator who is here from the embassy in Bangkok——

Senator SMITH. Prison sites, alleged prison sites?

Mr. QUINN. I don't know—we don't have, that I have seen, specific reports of prison sites with particular individuals in them right now to request. I know that there are reports of——

Senator SMITH. But they have not said that you can come, as Vietnam has said, even though we haven't gone yet, they have said you could come to prison sites, have they said that, like the Vietnamese have?

Mr. QUINN. I have not raised with them visiting particular prison sites. I have raised with them particular cases and investigating the reports where those are. Let me, if I could, just check to be sure.

As I said, Senator, we have generally not had information that puts specific individuals in specific prisons. I assure you if we had that, we will follow it up. There is, I am told, one report that Captain Carr was held in prison, and that we have asked to go and visit that site and they have said that they will arrange for us to do that.

Senator SMITH. Senator Grassley is up next I believe.

Mr. QUINN. Senator, it is good to see you. Senator is my Senator, I am from Iowa.

Senator GRASSLEY. Notice that he smiled when he said that. You informed them you were from Iowa. I assume you have already said that——

The CHAIRMAN. He did all that refugee work in Iowa. [Laughter.]

Senator MCCAIN. Is this refugee work, people fleeing Iowa for Arizona? [Laughter.]

Mr. QUINN. There was some initial flight the first winter, Senator McCain, but the ones from Laos actually——

Senator MCCAIN. We have settled very successfully the Iowans in Arizona. [Laughter.]

Senator GRASSLEY. Do my 5 minutes start right now, Mr. Chairman?

The CHAIRMAN. Right this instant.

Senator GRASSLEY. If I could, the first thing would be to discuss something with you that I brought up with General Vessey. I don't know whether you were here or not and it doesn't matter. It pertains to the normalization of relations with Vietnam, and resolution of the discrepancy cases.

My question to him, and to you because he could not give a definite answer, is what officially are the criteria for discrepancy cases? He left the impression with me that the criteria was rather subjective.

Could you tell us what the criteria are and please understand if you want to elaborate in great detail in writing I would be glad to have it that way. But somewhere along the line I have to get a pretty definite answer on this.

Mr. QUINN. The basic general definition, and if I could, we will submit something in writing, but is that there is evidence that the person involved survived the incident and that Vietnam or Laos or Cambodia would have information about the fate of the person.

Senator GRASSLEY. Maybe, I want to emphasize the word policy, to get away from what I got from General Vessey, being very subjective. I think he kind of referred to the fact that there wasn't a policy.

Is there a policy on what is a discrepancy case and what isn't, or are you saying that what you just told me is the expression of that policy?

Mr. QUINN. Yes, that is right. What I have told you is the expression of the policy.

Senator GRASSLEY. Then my follow-up question is, who is responsible for setting the policy governing discrepancy cases and who determines which cases are discrepancy cases and nondiscrepancy cases?

Mr. QUINN. Well, discrepancy, the cases, the experts on the Cases reside in the defense department, and they do the analysis based on all of the information and will made those of us who are in policy positions aware of which cases there is information that we have that a person would have survived the incident and that the Vietnamese would have knowledge of the Laotians would have knowledge of that.

Senator Grassley: Would it be fair to say that the state department is not in any rush to resolve these cases simply because we want to move toward normalization?

Mr. QUINN. Yes, it is very fair to say that.

Senator GRASSLEY. If this committee were to show that a discrepancy case that has been "resolved"—and for the definition of resolved, we would accept your decision—should not be resolved based on further evidence on its merits—that the merits would say that it should remain open—could we expect that such a case would itself become a discrepancy case that would still beg a resolution?

Mr. QUINN. Yes, you should, and in fact, we have had just a case exactly like that, and if I could explain. I mean, one way of being sure that you have an accounting is that if you have remains that come back, that can be identified as an individual. Then you can be sure what the fate is.

But if you don't have remains, then you look and assess all of the information you have and you make a judgment. That was done in the case of Colonel Robertson, but when we had this new photo evidence and we had identification made by members of the Robertson family, it didn't matter what our previous judgment had been, we didn't have remains and we pursued it with all of the vigor and energy that we could. And if there are any other cases, no matter how they have been adjudicated, if we don't have the remains that are returned, and we have new information that comes from the committee or anybody else, we will, of course, pursue it.

Senator GRASSLEY. That is a very good example. So that at this point, I take what you say is that the Robertson case would be now a discrepancy case?

Mr. QUINN. We are still looking at the photo and we are continuing to pursue that and investigate that case and so I would not consider it one in which we have reached final conclusions.

Senator GRASSLEY. Who would make the decision on whether or not a case like this is a discrepancy case?

Mr. QUINN. The IAG would meet and review and discuss cases like that. Of course, they are discussed with General Vessey, but we, of course, rely very extensively on the work that is done by the defense department experts, both in DIA and in the Pacific Command and JCRC, who also have people in Hanoi and in Bangkok and so we rely on their expert analysis and work and then try to make the best possible judgments we can about how to proceed.

Senator GRASSLEY. Does one or more than one person, or maybe different people for different cases make this decision or is it one person——

Mr. QUINN. It is not any one person, no.

Senator GRASSLEY. OK. We heard this morning that the U.S. and Vietnam have agreed to certain procedures for investigating live sighting reports. Does this include our government turning over classified file information on POW's like sources and methods?

Mr. QUINN. Certainly not turning over anything about sources and methods, I couldn't imagine a situation in which we would do that. There are situations though where we have information and in which we make a prudent judgment or attempt to make a prudent judgment as to what information we would provide to Vietnam.

So in the case of the Robertson, Stevens and Lundy photo, we did provide information to the Vietnamese government, the Cambodian government and the Laotian government which we expected them to investigate and work with and we asked them to provide us answers. But we certainly didn't turn over anything.

In fact, one of the things Colonel Cole and I did and Warren Gray until about 2:00 in the morning was going through this information to make absolutely sure that in no way was there any compromise of where we were getting our information.

Senator GRASSLEY. Thank you, Mr. Chairman.

The CHAIRMAN. Senator McCAIN.

Senator McCAIN. So you have reached no conclusions concerning the photo of the three?

Mr. QUINN. I have not. And of course, the photo is being analyzed and I think you will hear later from people in DOD and DIA about it.

But I have said publicly to the families that until I would see information that would indicate that either that Colonel Robertson is conclusively dead or that the photo can someway be demonstrated that it is not what it purports to be, that we would continue to pursue it and investigate it.

Senator McCAIN. You mention in your statement that the Walter T. Robertson photo you determined was not an American. How did you do that?

Mr. QUINN. Well, the photo was of a black person and Walter T. Robertson who served in the U.S. Army, I believe, was caucasian. Second, Walter T. Robertson returned from Vietnam and is alive in the United States.

The CHAIRMAN. You applied some extraordinary methods to that case. [Laughter.]

Mr. QUINN. I guess that is a source and method we could reveal.

Senator McCAIN. And you have no conclusions about the Carr picture?

Mr. QUINN. I do not, but I believe some of the other expert witnesses may.

Senator McCAIN. How firm are the POW/MIA conditions of the roadmap?

Mr. QUINN. They are central to the roadmap and they are very firm. I think that statement is as strong as I could make it.

Senator McCain. In the last year thanks to Vietnamese desire for normalization and driven largely by their economic conditions and General Vessey's outstanding work, you have seen great progress?

Mr. Quinn. I think we have made progress. I think we are going in the right direction. And I think we have set a framework in a stage for moving ahead and getting more answers.

Senator McCain. More progress than you have seen in previous years?

Mr. Quinn. I think so, Senator.

Senator McCain. And you are optimistic?

Mr. Quinn. Yes.

Senator McCain. About the resolution of this issue?

Mr. Quinn. I am optimistic that we have momentum, that we have found a direction and that we are going in the right direction. I guess anytime you talk about Vietnam I want to be sort of guarded about expressing optimism about anything.

But I have some guarded optimism that we are going in the right direction and we have the potential. I think that we have the potential now to really move ahead and get more results.

Senator McCain. I was contacted today by Mr. Earl Bond from California who is the father of Captain Ronald Bond, USAF. He has been missing since he was shot down over Laos in 1971.

His father, naturally, argued he had been denied information by DIA and that he has a right to know. And he further alleges that Defense Department officials have publicly asserted that they have provided him the information. You are not familiar with that case?

Mr. Quinn. I am not, I am sorry, Senator.

Senator McCain. Could you provide for the record a response for those allegations or have Mr. Ford or someone do so? I would appreciate it.

Obviously, these hearings will spark renewed interest on the part of many concerned individuals as well as family members.

How did they determine that the Borah, how did they track down the Borah picture or the individual who was purported to be Mr. Borah? Do you know the answer to that?

Mr. Quinn. I know the answer generally and I think you will get more details later.

But we provided some information to the Lao and they went and looked and found the man who appeared to be the individual that was in the photo. Then our team went out, they met with the individual. They saw him. They had a chance to photograph him, take fingerprints, interview him, ask him about the photo and how it was taken, compare the photo with him and with other photos.

But, again, I was not the one who was involved in that. And I think you will be hearing from the individuals who were and they can give you a much more precise and detailed answer.

Senator McCain. But in the case of Laos, which is the focus of a lot of our attention because of the disproportionate numbers of POW's who were returned as opposed to North Vietnam, in your view are the Laos still significantly controlled by the Vietnamese? And what is the degree of their cooperation? And if they are cooperating, is it because the Vietnamese are telling them to or is it because of their desire for better relations throughout the region, including with Thailand?

Mr. QUINN. Well, Laos has always lived in the shadow of Vietnam. It is a country of 70 million and a county of 2 million or 3 million people nearby.

But I feel that Laos, the Laotian people are very proud and that they had a very close relationship with Hanoi during the war. But I think it is somewhat more distant now. I would certainly never say that it is a country that is not influenced by Vietnam. Certainly it is influenced significantly, but I think not as much if you look back at 1975. And I think the Laotians are trying to find their own way. And they are very sensitive to the suggestion that somehow that they just are a subdivision of Vietnam. So we deal with them as an independent country. And I believe that the facts justify that approach.

Senator McCAIN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator McCain.

Senator Reid.

Senator REID. Thank you, Mr. Chairman.

For my own personal curiosity and also to lay an appropriate background, tell me again what you were doing in combat situations as a foreign service officer.

Mr. QUINN. Yes, Senator.

I was assigned as a foreign service officer to Vietnam. And then I was assigned to MACV, the Military Assistance Command Vietnam, and the advisory program throughout Vietnam for the provincial and regional forces in Vietnam and for local government. It was a combined military and civilian operation with an integrated military and civilian chain of command down to the district level.

And so I was a district senior advisor, I guess the equivalent of maybe like a county in the United States. And I went into, I was in Sedec Province down in the Mekong Delta. And I went into a district and replaced a U.S. Army major as the district senior adviser.

And this district happened to be right at the edge of the Vin Long army airfield. And so we engaged every day in joint operations with helicopter units that came off the Vin Long army airfield and going out in the helicopters, searching for areas and troops when the time came. And I went out in my civilian clothes and did everything the Army major before me did and, I presume, the Army major who replaced me did.

The CHAIRMAN. This was early training for his dealings with us. [Laughter.]

Mr. QUINN. I expected when I joined the foreign service that I was going to be off in Paris or Vienna or someplace with aperitifs and discussing the nuances of international relations with diplomats, some place in Europe. And I suddenly woke up and I was in Vietnam in this situation one morning. It changed my life.

Senator REID. Do you believe the allegations that there is a tendency to find fault with the source of information rather than investigate the data? This has been talked about by a number of Senators here today. Let us hear what you have to say about that.

Mr. QUINN. There are, I would, I guess, start by saying of all the people that I deal with from DIA, DOD, and so on, have always shown to me that when they have information and that it looks good and they make a judgment that we proceed after it rapidly and vigorously. And I do not have any sense that there is anybody who is doing anything other than that.

Senator REID. How about in the past?

Mr. QUINN. Well, I have only been in this job since July 1990.

Senator REID. But you, of course, have looked at what has gone on before, I hope?

Mr. QUINN. I have not made any investigation of what has gone on before I came into the job and start from there. And obviously, there are some references to the past.

But to answer, if I could take one second, that in our State Department business overseas, we process thousands and thousands of cases of people who are after visas. And it has occurred to me as I have looked at these two processes, that I have seem something happening in the State Department where we have had so many in some places, so many stories that are brought to us by people who are interested in a visa to come to the United States, but it is not, and these turn out to be bogus stories and they are not true.

And I know that our officers who deal with them will sometimes feel that they are inundated with that type of information. And I have seen in just sampling and looking at these reports as they flow in that you get time after time in the POW/MIA issue people coming in, looking to try to extort money from us, looking to somehow try to present us with hearsay information in a way that they can gain some advantage. That having that type of situation in all of those reports, because every one of them has to be gone through, I think that it does not help. I think that it can cause skepticism to creep into the process.

I do not know that it has, but I have felt that that kind of analogy is possible.

Senator REID. I am reminded of a statement that Chairman Kerry made earlier today that I think we need only look at the fact that here it is 18 years, 19 years later. And the investigatory staff, call it whatever you want, is getting bigger rather than smaller. And you would think it would be just the opposite. Obviously, something has to occur so the staff winds down.

And I just have to believe the little bit that I know at this stage that we may have had too many people that looked at this as it were a visa application and not somebody who is waiting for their loved one to come home.

Mr. QUINN. Again, I just want to repeat that nothing where I have been involved since I have been in this job, where any of this information has been discussed, that nobody has tended to debunk it.

Senator REID. You made that point clear. But you see, that is a problem that we have every step of the way. Everybody is saying, while I was on watch we did everything that we could. Well, somewhere along the road something has gone wrong. Or we would not be now, almost 20 years later, building a staff rather than cutting it back.

Mr. QUINN. If I could, I think that one of the reasons that we are building the staff now is that there is a lot of work to be done and we see now the potential for doing it. And if we could keep moving in this roadmap approach and continue to take steps, this is going to open up for other and more activity and we want to be able to move in when that door is open and hit the ground and do this kind of accounting as fast, and investigations and access to information and interviewing people and following up, as fast as we can.

I do not think that the American people would be satisfied with us saying now you have these things available and you do not have the resources ready and the people ready to move ahead and take advantage of them.

The CHAIRMAN. Thank you, Senator Reid. I think that is a very fair statement.

And obviously there is a greater opportunity today which requires more on the ground personnel. We were not in Vietnam until this past year and so forth. Some might question whether we could have been there sooner, but the interesting inquiry for this committee and the difficult inquiry, and it is raised by Senator Smith pointing out the sort of difference between what was responded to to the committee and then what finally turns up. And that as you go backward in time, somehow you have to establish what the probability was in 1973 and 1974 that somebody was alive because it is depending on that probability that you can begin to make some judgments about the possibilities and probabilities of discrepancy cases today.

If in 1973 it was highly unlikely that somebody was alive, it is less likely that 19 years later they are. But if in 1973 there was, almost to a certainty, somebody alive, there is a greater likelihood that 19 years later somebody may be alive. And so we are forced, automatically, to try to make some assessments about the state of knowledge back then which is why I said the committee will trace the chain of custody of this issue, if you will, almost building a chart from where we were in terms of our knowledge and the negotiations in Paris.

Because there is no way that we can sit here at the end of this inquiry and try to make a judgment and say, well, gosh, we do not think somebody is alive today if we are discounting the odds that somebody might have been alive back then.

So as uncomfortable and difficult as that inquiry is, I think we are forced to try to make it.

Mr. QUINN. I think, Senator, that any type of thorough investigation and review of the issue would have to include that. I just wanted to make the point that from the time I came I have been looking ahead to what is it we can do, what steps can we take, what diplomatic or other measures can we pursue to get at the answers.

The CHAIRMAN. And your first formal contact with this in official capacity with responsibility for the issue was?

Mr. QUINN. July 1990.

The CHAIRMAN. Senator Daschle.

Senator DASCHLE. Thank you, Mr. Chairman.

It was really along those lines that I wanted to begin my questioning. It relates to the degree to which you believe there was a consensus about the number of men last known to be alive in Laos and Cambodia back in 1973. To what degree do you think the consensus existed with regard to the numbers back then?

Mr. QUINN. In 1973? I was on the Cambodian border in 1973. And I was not aware of what the discussion was at that time. I really feel inadequate to answer the question.

Senator DASCHLE. I am not asking what you knew then. I am asking about your knowledge now, having had this position for a year with access to the records that must have been compiled over the last 17 years. To what degree do we now know there was a consensus about numbers of live men left in Cambodia and Laos?

Mr. QUINN. I am not aware, Senator, that there has been any judgment at any time in the executive branch that there were Americans left in Laos or Cambodia after the official release of POW/MIA's. I have never heard such a report and I am not aware of evidence or information about Americans being held, still held as prisoner.

As I mentioned earlier, there have been reports of maybe some who are not prisoners, who might have remained behind. And I mentioned that, and perhaps you were not here, but of people being held prisoner, I am not aware of any information or assessment or analysis in that regard.

Senator DASCHLE. I guess what I am asking is this: Is there a consensus about what would now be the base number as we work to resolve the cases, especially those cases in your testimony? The numbers used to conduct our first investigations in the discrepancy cases involving the men last to be alive in Lao hands?

I am surprised that these are the first ever investigations, 17 years later.

Mr. QUINN. These are the first ones we have been permitted to do.

Senator DASCHLE. That was my question.

How do you know, if you have no base number from which to work, what the number of discrepancy cases are? What is the number of discrepancy cases in Laos and Cambodia?

Mr. QUINN. I do not have the exact number. But let me, if I could, refer.

There were 49 cases, Lao border cases, where there were areas, there were Lao's controlled by Vietnamese forces during the war in which we believe the Vietnamese could have or should have information relating to those cases. There were 15 additional individuals who were listed as POW's during the release of prisoners. And it is those numbers that I have had DIA and the Defense Department brief me on as particular cases.

Senator DASCHLE. This is just Laos? Or is this Laos and Cambodia?

Mr. QUINN. Just Laos.

Senator DASCHLE. So what you are saying is, there were 64 outstanding cases total involving people in Laos?

Mr. QUINN. You asked me in terms of the discrepancy cases.

Senator DASCHLE. So there are 64 discrepancy cases?

Mr. QUINN. Those are the discrepancy cases, as I say, that comes from DIA analysis. And what I am repeating to you is what has been briefed.

We do not have a set menu of numbers of cases with an official total for any of these countries.

There are 9 discrepancy cases in Cambodia of the same way that I have described. Now you get other information at different times that would take a case and put it in, take a case and put it out.

I want to be clear and I want to emphasize that we, because you can convey—anytime you say a number you can convey a sense that somehow these are the only cases that you care about and that they are the only ones you are going to pursue. That is not the case. We are interested in all 2,272 of those individuals listed as missing in action.

When you start talking about these other shades in between, you are talking about the degree of information and knowledge that we have. And I do not want to leave any suggestion that somehow these are cases that fall into circumstances which we only pursue those more ardently than others. Last known alive discrepancy cases, that is where you have information where an individual was alive and you have reason to believe that the Vietnamese know what happened to him or he fell into Vietnamese hands. Of course, they are people who we cannot say are dead.

And because we put our emphasis on the live prisoner issue, whether it is Laos or Vietnam, that those are the ones to which we would give the highest priority. And that is where General Vessey's 119 cases have come from.

Senator DASCHLE. But that last known alive figure is not just Laos and Cambodia.

Mr. QUINN. That is correct.

Senator DASCHLE. You see, I started my questioning by asking you if you could differentiate between Vietnam, Laos and Cambodia and give us the last known alive figures for Laos and Cambodia. You gave me your discrepancy figures which are helpful.

To the extent we could, for the record, I think it would be very helpful to differentiate and to quantify and even substantiate, if that needs to be done, the figures as they relate to each country.

Second, I suspect that part of the reason discrepancy numbers are so low in Cambodia is because, from what I am getting in the testimony, frankly, there has been very little contact with Cambodia. I mean, I would imagine that with greater contact and greater information comes greater possibility for discrepancy. As a result, those numbers could increase.

However, it would be very helpful to have a base number from which we could work in order to obtain a better understanding of the degree to which the problem exists in all three countries.

Mr. QUINN. I am sorry if I confused or misunderstood the question. I thought you had asked about discrepancy cases as opposed to last known alive.

Anyway, as I understand it, it is better for you to hear this directly from DIA. But in Laos, in terms of last known alive cases that they carry, there are 16 cases involving 22 individuals who would fall into the last known alive or listed as POW at homecoming category.

Senator DASCHLE. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator. This is going to be our longest day, our most arduous day unquestionably.

But the next panels are important also, and we want to leave time for them. They are particularly important for a number of reasons.

Before we move to them, Mr. Secretary, let me just ask you. You said we are going to pay attention to all 2,273. And, indeed, we ought to.

But is there not a point here where we have got to come to closure on some of these cases? I mean, I have looked at some of the 2,273 and frankly, when I was over in Vietnam I got information from the Vietnamese regarding six or seven discrepancy cases that I believe, I am confident, I know the team has now, they have resolved. But at the end of that I must tell you I was capable of drawing the conclusion and was prepared to draw a conclusion that personnel on the ground had testified that that person had been killed, that the circumstances were clear. It was verifiable in terms of place, time, date and so forth. But because you do not have remains it sort of stays in this murky area.

And it just seems to me that that is wrong, that we have got to start to draw some conclusions about these or you kind of go on forever. Now is that going to happen? Are we prepared to do that based upon the information we are now getting?

Mr. QUINN. I think what is important, Senator, is that we know that we are not going to be able to account for every last serviceman who has not returned from Vietnam.

There are some cases because they were over water and other circumstances that make it highly doubtful. But what is important is that we have a process which can be viewed as an open and credible process by the American people and that we have gone through and we have looked at every case. And we can, at the end, say and feel that Americans would agree that we have done our best, that we have looked in every possible way and then we have made our judgments.

I think to make the judgments that you are suggesting before we have that leaves the door open.

The CHAIRMAN. I think what people want to know is, and what we want to know is that while we are going to turn over every stone and we are going to make every effort to open this process up, and I suggest at the end of this inquiry people are going to have a better sense of this than they ever had before, but where you have eyewitnesses——

For instance, in one of these cases they say, look, we came on these people and we killed them. And here is what we did with them. And there are four or five people who say this is what we did. We did it. And you have a date and time and other sort of corroborative evidence. The question is, are we going to make a determination and share that with the families and bring the lists down by a commensurate number of people according to those determinations?

Mr. QUINN. The answer is that that process has already begun as part of General Vessey's efforts. And you have some cases that have been resolved because remains have been found and brought home. There are others where you consider that the fate has been reconfirmed through this investigation. And those judgments have been made. And that process is going on right now.

The Chairman. And being communicated to the families?

Mr. Quinn. Yes. Well, that is really, I mean, Mr. Ford and the Defense Department are the ones who are in charge of that. But I mean, that has gone on as part of General Vessey's process.

The Chairman. Let me ask you another question. I am not trying to diminish your job or take a job away from you, but would we be better off if now that there has been this reorganization within the Defense Department and there is sort of one person responsible, would we be better off not having an inter-agency group per se or have a direct reporting of agencies to that one person so there is one person responsible and everybody knows who we are dealing with here?

Mr. Quinn. Well, we have not hesitated to reorganize this process. And there have been a number of steps taken just in the last year, year and a half.

You will hear later from General Ryan and General Christmas who will talk about what they are looking at in terms of reorganization, in terms of the field components to ensure coordination. We have not hesitated also in Washington with Secretary Cheney, the Carper group from the House of Representatives made up of six Vietnam veterans that produced what I think is very useful and stimulating report.

And I know that there is thinking going on within the executive branch now as to are there other steps we can take to reorganize this and to make it more effective. And we will certainly take your suggestion back as well.

The Chairman. Congressman McCloskey and Congressman Carper have been in touch with the group and I think it is a good report.

And that report, without objection, will be made a part of this record in its entirety.

[The information referred to follows:]

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8TH DISTRICT, INDIANA

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October 18, 1991

The Honorable John F. Kerry, Chairman
Senate Select Committee on POW/MIA Affairs
SROB 421
Washington, D.C. 20510

Dear ~~Chairman Kerry~~: John

As you know, I recently returned from a visit to Laos and Thailand where I met with Lao officials concerned with the humanitarian and MIA/POW issues. My brief stopover in Thailand allowed me to speak with those U.S. officials in charge of both the Joint Casualty Reconciliation Center and the Stoney Beach live-sighting response project in Bangkok. In addition, I interviewed Col. Jack Bailey (USAF, ret.) who has for some years been active to collecting information on the possibility that U.S. servicemen are being detained in Indochina.

Discussion of the MIA/POW issue can become a highly emotional one. One lingering tragedy is the countless times hopes of families have been raised only to be dashed because of unscrupulous individuals trafficking in phony photographs or artifacts purporting to prove the survival of a particular serviceman. It is my view that we must move swiftly to deter such behavior in order to focus time and resources on those MIA/POW cases which merit intensive scrutiny and attention at the highest levels of government.

On October 3, I had the opportunity to meet personally with the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense for Policy and the Principal Deputy Secretary of Defense for MIA/POW Affairs on these types of cases. I was encouraged by their interest and receptiveness to new information provided on one such compelling case. It seems to me that we now may have a special opportunity and responsibility to do everything possible within the next year to close out the MIA/POW issue in a fair and effective way.

The following are some of my impressions and suggestions which I have developed from my trip to Vientianne and Bangkok which may be useful to your committee as you begin hearings in the near future.

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1. Quick reaction response to live sightings an urgent priority -- We must recognize the importance of providing the government of Laos with the means to undertake quick reaction responses to live-sighting reports in conjunction with U.S. personnel. In my meeting with Vice Foreign Minister Soulevong in Vientianne on September 30, 1991, I raised this issue. It was indicated that the Lao government was ready to do more and considered their cooperation on MIA/POW issues an "official responsibility." In my view, such a capability should consist of DoD providing pilot training to the Lao as well as modernizing its current fleet of helicopters in order to provide all-weather, all-terrain search capabilities.

2. Greater interagency coordination required -- One disappointment growing out of briefings prior to my trip was the lack of coordination, information hand-off, intelligence confusion and general delay in following up leads. If the MIA/POW issue is truly a national priority, the agencies of government should act like it. It is particularly bothersome to hear that there is little if any information exchange between the CIA and DIA. In effect, our CIA "doesn't do MIA/POWs." This should be a matter of concern to all of us. It is also of concern to learn of reports where MIA fingerprints simply disappear from FBI files. Such unsettling concerns ought to be resolved and fully explained in the process of congressional oversight.

3. Reconciling historical discrepancies -- The comments of official Pathet Lao spokesmen during early 1973 when the Vietnam armistice was being negotiated explicitly stated that U.S. POWs were being held and their return would be subject of negotiation. During my visit to Laos, I asked to speak to the individual who was quoted at that time saying the Pathet Lao held POWs. After initially being told the individual was deceased, I was then informed by Vice Minister Soulevong that this man, Mr. Soth Pethrasy, was alive. I have formally requested that appropriate U.S. government officials be allowed to interview him in order to address this matter.

4. More substantive and frequent humanitarian aid efforts in Laos justified -- The expression of appreciation by the Lao people to the 30,000 lbs. of medical equipment, supplies and pharmaceuticals which we delivered on September 19, 1991 to Vientianne was truly impressive. What mattered most to these people and their Ministry of Public Health was that such a gesture reflected a sincere desire of the American people to assist their country. As you know, Laos has a population of only 4 million people. Certainly, additional flights coordinated through the Pentagon's Office of Global Affairs will go a long

way to build on stronger ties between ourselves and the Lao at a very minimal cost. One benefit can be a more effective MIA/POW recovery program to tangibly demonstrate the good faith and sincerity of the Lao government on this issue.

5. Permanent program needed to deal with unexploded ordnance in Laos -- In addition to the lack of mobility to deal quickly with live-sighting reports is the legacy of the U.S. aerial campaign in Laos where more bombs were dropped than in World War II. Whenever it is agreed that a crash site may be visited, it is standard procedure that U.S. ordnance experts conduct a survey of the site and defuse unexploded bombs and bomblets. Unfortunately, Lao children and farmers are still being killed and maimed when they accidentally step on such ordnance. It is my view that DoD and the Department of State should consider a permanent and systematic program of bomb disposal in Laos. Such a step would go a long way in demonstrating our sincerity for improved relations.

6. Diplomatic Representation in Laos should be upgraded -- At the present time, the U.S. Embassy in Bangkok is headed very ably by Mr. Charles Salmon who is our Charge D'Affaires. However, we should consider upgrading our representation there to Ambassador status. Again, this is a low-cost step which taken in the context of these other proposals should no doubt help resolve the MIA/POW issue.

I have been closely following the MIA/POW issue for over six years. While I do not subscribe to any "conspiracy" theories which some have suggested is the reason why we have not obtained a better accounting of our MIA/POWs, it is clear that we could be doing a much better job and a much smarter job. If I can be of further assistance to you and your committee, feel free to call upon me at any time. This issue deserves the appropriate amount of time and attention, especially if we truly believe it is of the highest national priority. I look forward to hearing from you in the near future.

Warmest personal regards,

Frank McCloskey

Frank McCloskey M.C.

THOMAS R. CARPER
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October 25, 1991

The Honorable John Kerry
Chairman
Senate Select Committee on POW/MIA Affairs
SH - 705
Washington, D.C. 20510

Dear John:

I am pleased to transmit to you and the members of the committee the attached report that several of my colleagues and I who served in the Vietnam War - Representatives Skaggs, Peterson, Kolbe, Rhodes, and Gilchrest - compiled as a result of our recent mission to Vietnam, Cambodia, and Laos in August, 1991, for the November 5, 6, and 7 hearing records of the Senate Select Committee on POW/MIA Affairs.

In returning to Southeast Asia for the first time since the Vietnam war, we reviewed the POW/MIA issue; the need for a comprehensive, international accord on Cambodia; the prospect of normalization of relations with Vietnam and Cambodia and upgrading relations with Laos; and the lifting of the economic embargo against Vietnam and Cambodia.

The Administration has stated that it would begin the process of normalization of relations with Vietnam once a comprehensive settlement for Cambodia is signed. Now that an agreement has been signed, discussions can begin pertaining to normalizing relations between the United States and these Southeast Asian countries and lifting the U.S. economic embargo against Vietnam and Cambodia.

I hope this report will be of value to you in reviewing these issues.

Sincerely,

Tom

Tom Carper
Member of Congress

John, many thanks for your willingness to meet with us in August prior to our CODEL'S departure for S.E. Asia. Collectively we've done some good, I think. Obviously more remains to be done, and we look forward to working with you.

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

REPORT OF THE CONGRESSIONAL DELEGATION TRIP TO SOUTHEAST ASIA—AUGUST 3-11, 1991

FOREWORD

In March 1991, Congressman Pete Peterson and I began discussions which grew into a month-long fact-finding probe into the long-unresolved controversy over the fate of America's missing-in-action servicemen who are still unaccounted for more than 15 years after the Vietnam War. Our review and analysis led us to organize a Congressional delegation, unique in composition and mission.

We enlisted a bipartisan delegation marked not only by its members' common bond of military service in Vietnam, but by their open spirit of inquiry. As we began planning what was to be our first trip back to Vietnam since the war, each brought *longstanding* questions about the fate of fellow servicemen. Only weeks before our trip, the publication of a photograph of three individuals identified by family members as their long-missing loved ones provoked sharp reactions across the country.

Over the years, our country's views of the POW/MIA issue have been influenced by conflicting forces. The hopes of loved ones have been manipulated—by governments of the region, by profiteers, by sensationalists. Many have questioned our own government's role in resolving the POW/MIA dilemma. Was there a coverup, as some alleged? Has resolution of the issue been a real governmental priority? Was the failure to make more progress a symptom of mismanagement or incompetence? Was the secrecy which shrouded our government's efforts to gather information frustrating its aim of winning public understanding?

The announcement, in April 1991, that our Government would address the POW/MIA issue as part of a "roadmap" which would govern the pace and scope of any normalization of our relations with the government of Vietnam gave added focus to our agenda. Despite the State Department's apparent unwillingness to share the text of its roadmap with the CODEL, the Department and many government and nongovernment officials urged us to reinforce its message to those leaders we might meet in Vietnam and Cambodia.

Perhaps ironically, the roadmap fused two of the most haunting remnants of conflict in post World War II Southeast Asia—the genocidal devastation and civil war in Cambodia and the unresolved fate of America's missing in action.

We set out for Southeast Asia in August, therefore, to study all facets of the POW/MIA issue as well as the process of settlement of the civil war in Cambodia, both key elements of the roadmap. We did so on the premise that an "on-the-ground" analysis might be not only more telling, but that it might differ substantially from "findings" reached in Washington, D.C.

We framed our inquiry to focus on four subjects: (1) the intensity and effectiveness of our own government's efforts to resolve the POW/MIA issue; (2) the level of cooperation we are receiving from governments in Southeast Asia; (3) progress toward a comprehensive, lasting peace in Cambodia; and (4) the process for normalizing relations between our country and both Vietnam and Cambodia, and for moving toward full diplomatic relations with Laos.

This publication reflects our findings. It reflects the rich, diverse backgrounds of the members—experience in military service, foreign affairs, intelligence, international trade and economics, organization and management, and veterans' issues. Most importantly, it reflects the objectivity with which the CODEL members confronted the vexing questions they studied. Despite differences in their backgrounds, the members had a common commitment to conduct a studied, independent analysis of the issues. That open spirit of inquiry and the debt we owe to those who did not return from this war, as well as to the anguished families of the missing in action, have, in my view, forged a commitment far more compelling than party or philosophy of government. It is my hope, and that of the members of this delegation, that this report will help move us closer to the answers we all seek.

TOM CARPER.

INTRODUCTION

On August 3, 1991, a bipartisan group of members of the House of Representatives began an 8-day trip to Southeast Asia to complete an examination into the fate of servicemen unaccounted for in Southeast Asia; progress on the search for a satisfactory settlement of the civil war in Cambodia; and the process of improving and normalizing relations between the United States and Vietnam, Laos, and Cambodia, respectively. The delegation consisted of Representatives Carper, Peterson, Kolbe, Rhodes, Skaggs, and Gilchrest. The delegation met with officials of the Lao People's

Democratic Republic, the State of Cambodia, and the Socialist Republic of Vietnam. The trip also included a series of en-route briefing and fact-finding sessions with Department of Defense officials at the Joint Casualty Resolution Center and the Central Identification Laboratory in Hawaii, and with State Department and Defense Intelligence Agency personnel at the U.S. Embassy in Bangkok, Thailand. (See attached schedule.)

This report incorporates current information furnished by officials of the countries we visited, as well as our own analysis and recommendations, based on extensive study, briefings, and observations. We hope this report will be helpful to the Congress as it is called upon to consider legislation or to review policies on the issues discussed. We take the liberty of directing this report as well to the Executive Branch in view of the paramount importance we, and, we believe, the American people, attach to these issues.

This delegation was privileged to travel to this region and study these issues at a critical point in time. We respectfully offer our views to those entrusted with responsibility to shape and execute national policy.

DISCUSSION

In sense, journey Southeast began before one our to Asia long we boarded our C-135 at Andrews Air Force Base. In some measure it began with our service in the Vietnam War more than 20 years ago, representing, as we do, the experience of Army and Marines on the ground, Navy in the air and inland waterways, and Air Force in the skies. This journey was a genuine quest for answers, and each of us had been seeking those answers long before this CODEL was conceived.

Our search had its roots in the Vietnam war, a conflict which shaped each of us as individuals, and from which each of us returned a stronger person.

Just as the war affected us as individuals, the conflict and its aftermath altered us as a nation. As a society, we have grown from that experience, and largely put the war behind us. We in the Congress have helped bring about that closure—through the establishment and funding of veterans' programs, the development of a framework for resolving claims based on "Agent Orange" exposure, and many other ways.

Vestiges of the war have continued to haunt us, however. None has had more troubling affect than the wrenching questions evoked by the letters "POW/MIA."

As veterans of the Vietnam War, we feel a special poignancy in the question—what happened to our missing in action? Grappling with that question as a group, though, has taken us in many directions. In this effort, we have re-walked paths a number of our colleagues in Congress had charted, reviewing their hearing records, reports, and studies. Over several weeks, we met with virtually every available expert—inside the U.S. government and out, from spokesmen for, to the most vigorous opponents of, Administration policy.

Pursuing questions methodically and analytically, we continued to confront voices of skepticism and distrust. Allegations of "government coverup" continue to find their way into a national debate which has come to be referred to as "the POW/MIA issue". Is there substance to the "conspiracy" theory? If not, how would one overcome such perceptions? "Travel to Southeast Asia, see things on the ground! You'll see all we're doing to get this issue behind us," we were told. However, we found the view on the ground in Southeast Asia almost as obscured as the view from Washington.

It is clear that resolving the POW/MIA issue is a matter of national policy. It is equally clear, however, that the policy has never had the "top" priority our chief executives have rhetorically assigned it.

We salute the many dedicated, talented professionals—linguists, anthropologists, forensic analysts, technicians, and others—who have devoted years, and often much of their professional working lives, to searching for hidden answers. We want to provide that acknowledgment because they seldom if ever win medals or public accolades for their painstaking work. Like so much of the work associated with this "highest national priority" it is a story that has never been fully told and thus not understood. Their work has helped to unravel the mystery for many families of missing servicemen, and ended years of doubt and uncertainty. They deserve the praise and admiration of all Americans for their selfless work under extraordinarily difficult conditions.

Policymaking

We have certainly seen considerable energy and a high level of U.S. Government concern devoted to POW/MIA matters in recent months. Over the years and up to the present, however, dedicated and focused central management, direction, and consistent coordination of POW/MIA activities has seemed as much fortuitous as planned. This sweeping charge is not made lightly or without due regard to the complexity of the job.

Reluctantly, we have to question the leadership directing those efforts. We question whether, at the highest level, there has been the kind of ongoing, hands-on direction needed to carry out a compelling national priority.

It appears that policy on the POW/MIA issue is not set by any one single responsible official. Instead, policymaking regarding the POW/MIA issue is "coordinated" through an interagency body—the POW/MIA Interagency Group (IAG). That group's membership includes representatives of the Defense Department, the National Security Council staff, the State Department, the Defense Intelligence Agency (DIA) and the National League of POW/MIA Families. The IAG reportedly meets relatively infrequently.

We have not attempted to make any judgment regarding past decisions to use an interagency mechanism to carry out policymaking on this issue. But after evaluating existing arrangements, we believe a new direction is needed. In our view, more aggressive efforts must be taken to find any American servicemen who may still be alive in Southeast Asia, and to locate and identify remains of others. We do not believe an interagency coordinating group provides the best framework for carrying out this mission.

Such an effort requires more than simply "coordination." Indeed it may be that our government has been "coordinating" too long and not managing enough. In any event, we find no basis to believe that the IAG is—or could be—singlemindedly devoted to achieving the mission we believe must be established. By virtue of the composition, and the coordinating role it plays, the IAG's members necessarily owe their first loyalty to their parent organizations. As a result, it would appear that the MIA issue itself has become, or perhaps has always been, driven by competing interests, subordinate to and overshadowed by national security, diplomacy, protection of intelligence assets, and other government and private interests.

In examining the operation of the IAG as currently structured, we find no precedent for a representative of a nongovernmental organization, the National League of Families, participating as a member of a high-level governmental working group. It is of utmost importance that our government act with sensitivity to the families of those missing in action. That sensitivity should be balanced, however, with a sensitivity to distinctions between the grant of advisory authority and that of decisionmaking authority. It is not clear that such lines have been appropriately drawn here.

Priority

Our government has identified resolution of the POW/MIA issue as a high national priority. But it has not organized and managed that effort commensurate with its rhetoric. No administration has devoted to this issue the level of resources that would presumably attach to our "highest national priority." Even setting aside the rhetoric, our government has simply not done a good job of basic management.

We have not, it seems to us, identified with sufficient clarity and focus just what the POW/MIA mission is. Indeed there are different missions, and we question the assignment of priorities among them.

It remains our Government's view that it can not rule out the possibility that Americans missing in action remain alive in Southeast Asia. Our own visit, while providing no indication that any government is holding American prisoners of war, gave ample evidence of why the American public has come to doubt its own government's effort to resolve these questions. One must question the priority that has been given to finding these men.

Our Government's policy holds, in pertinent part, that "actions to investigate live-sighting reports receive and will continue to receive *necessary priority* and resources based on the assumption that at least some Americans are still held captive." (Emphasis added.) It is noteworthy that the "cannot rule out the possibility" position was only adopted in 1987. From 1973 to 1987, the government position was that "no living MIA/POW's remained in Southeast Asia."

As to current policy, the precise meaning of the phrase "necessary priority" is not clear. Our own observations lead us to conclude, however, that our government's primary energies and resources—such as they are—are being devoted not to any aggressive effort to find the living, but instead to locating remains and accounting for the deceased. Since 1987, the method of search for live Americans has been essentially "reaction" rather than "action" oriented. More specifically, the search has been largely an exercise in *rejecting* evidence: disproving the validity of photographs and debunking reports of "live sightings", rather than aggressively trying to determine if they are *true.* The presumption seems to lie on the side of hoax and falsehood.

It is simplistic, and bordering on the evasive, for our Government to declare that "[o]nly the communist governments of Indochina know the answer." (See DOD's POW-MIA Factbook, July 1991.) One could infer from that statement that our own government is under no real obligation to act, let alone take heroic measures. In any case, the facts belie the "only *they* know" proposition. This DOD rhetoric ignores the fact that Laos, for example, is a desperately poor country whose infrastructure is so fragile that its major cities are not linked by a highway network. Travel from point to point may take 2 weeks. If one of the more than 500 pilots downed over Laos (only nine of whom were among those released in 1973 in Operation Homecoming) survived and fell into the hands of forces other than the Pathet Lao, for example, might he be alive today in one of the many remote parts of Laos not subject to the control of the central government? In terms of what is known and knowable, we have to consider that possibility seriously. Indeed knowledgeable U.S. Government officials found reason to believe that recently released photos, one set initially thought by some to be of Navy Lt. Daniel Borah and another strongly resembling Army Capt. Donald Carr, were taken in Laos. (Our delegation urged the Lao to give all possible assistance and access to U.S. efforts to investigate those cases. The Lao did follow through aggressively. That effort, however, led to the finding in the first case that the photos thought to be of Lt. Borah, compelling as they appeared to be, were not of an American.)

Organizational Structure

Just as the POW/MIA mission on which our Government is embarked appears to suffer from a lack of focus and misdirection of purpose, its execution is hampered by what could be characterized as a byzantine organizational arrangement.

After reviewing our Government's POW/MIA operations, we found ourselves asking the question, "who's in charge here?" One finds no satisfactory answer to that question. Indeed the answer seems to be "everyone", and, thus, "no one". Why that is so becomes readily apparent: the organizational landscape is crowded with different offices. These include a POW/MIA office in the Defense Intelligence Agency, the Joint Casualty Resolution Center (JCRC), the U.S. Army Central Identification Laboratory, Hawaii (CILHI), the Special Presidential Emissary for POW/MIA; and the POW/MIA Interagency Group.

Certain responsibilities among these offices overlap. Each reports to a different authority. Information-sharing among them is uneven. Coordination among them appears to be a matter of practice, but is not organizationally assured. Some are dedicated exclusively to POW/MIA issues; others are subject to being diverted from that effort to address entirely unrelated responsibilities. Finally, the authority of the entity dedicated to coordinating policy on POW/MIA matters, the Interagency Group, is simply undefined.

The missions of the various offices and agencies with responsibilities for POW/MIA matters vary widely in scope. For example, the able Special Presidential Emissary, General Vessey, has a very narrow formal mission: resolution of 119 "discrepancy cases." Nevertheless, the perception in America and abroad is that this official heads the entire POW/MIA investigative effort. We can only speculate as to whether this is due to his identification as a Presidential representative, the high esteem in which General Vessey is held, or some other reason.

An effort to pinpoint the various offices involved in the POW/MIA issue, their respective missions, and their reporting arrangements is, frankly, confusing. What then, do the families of those missing in action, or the foreign governments whom we are pressing, make of it?

While we have concluded that no one is really "in charge" of the government's POW/MIA effort, the command structure of the organizational components of that effort suggests too that it is not a high profile, high priority effort. For example, what the Defense Department reports to be "the only government organization which has as its sole mission resolving the status of U.S. military and civilian personnel who remain unaccounted for as a result of the Southeast Asian conflict" (i.e. JCRC) is headed by a *lieutenant colonel.*

The services have signalled the priority *they* assign to the issue both in the ranks at which these command positions are maintained and in the manner they have been filled. Instead of a regular rotation of command and the new vision and incentives for mission success that go with it, the services have permitted officers to remain in command slots for as much as a decade. These positions have become truly "dead end" slots, due, apparently, to the priority placed on the mission. As such, they have not attracted the best managers and commanders.

The services should not be singled out for blame. If we are correct in believing that the services have not assigned POW/MIA operations a high priority, we are saying no more than that they reflect an attitude which has been prevalent in other parts of our government. And yet the relatively low ebb at which these operations are carried out is at shocking variance from the expectations of the American public, let alone the families of the missing. At its most basic level, the relative lack of priority means the work of our people in the field is seriously hampered by poor support. JCRC personnel working in the field, for example, asked our assistance to acquire ordinary field equipment.

We were all impressed with, and touched by, the dedication and sacrifice of the men and women working in the field in such demanding work as investigation and excavation. We certainly don't want this report to impugn those who have given so much of themselves to the POW/MIA effort or to denigrate the fine work they're doing. Our call is for more focused leadership, and better organization and management. To call for a more aggressive effort is not to characterize ongoing activities as unimportant. To the contrary, we are sensitive to the commitment and efforts of those who labor to excavate remains, to interview refugees, to track down live-sighting reports, to find archival records, to catalog endless fragments of information, and to piece together bone and dental remains.

What is clearly missing is a single high-level office with responsibility to manage resolution of POW/MIA affairs, armed with the recognized priority, resources, and sense of urgency to accelerate and amplify ongoing efforts.

Allegations of "Coverup"

In view of the many-faceted effort involved in compiling a full accounting of the fate of the missing-in-action, it is profoundly disturbing that a number of Americans still cling to notions of government "cover-up". While it should go without saying, it is clear to us that *our Government is not engaged in any conspiracy or "cover-up" on the POW/MIA issue.* Unfortunately, the government's mishandling of the issue—the lack of priority assigned to it and the organizational problems in the command structure—has provided grist for the mills of the conspiracy theorists.

Significantly, an aura of clandestine secretiveness surrounds the entire POW/MIA operation. It is difficult to disassociate that secretiveness from the perception that a government operating in darkness must have something more to hide than its sources of information. The need to weigh carefully the value of maintaining the confidentiality of sensitive information against the public's right to know takes on extraordinary significance in the context of POW/MIA affairs especially with all the misinformation and perception of government wrongdoing.

When Americans question whether they can trust their own government, as many do regarding the POW/MIA issue, we should take notice. But the secrecy surrounding its POW/MIA operation compounds the credibility problem our government has in claiming "this is an issue of the highest national priority."

We believe it's time to bring the POW/MIA issue as fully as possible out into the open. To demystify it, it is imperative that we declassify much of it. Communicating completely, objectively, communication is an important part of what is needed to win public and accurately is never an easy task for government. But such confidence that everything possible is being done to render a full accounting of the missing in action.

In urging that our Government take steps to restore public confidence, we also emphasize the importance of continued sensitivity to the depth and volatility of feeling on the POW/MIA issue. Some groups and individuals continue to charge that governments in Indochina are holding large numbers of Americans against their will. We have found no evidence to corroborate such charges. However, it is important that U.S. public officials avoid actions that would fuel such speculation.

Ultimately, we call on the government to assure not only that its efforts are as open as possible, but that its focus be clear and unequivocal. That focus must, *as a first priority,* be on finding any Americans who may still be alive in Southeast Asia. A prescription for aggressive action is needed. It is clear that time is running out—and future efforts will be measured against that reality.

Foreign Cooperation on POW/MIA Issues

In reviewing with U.S. officials the cooperation we are receiving from the governments in the region, it became apparent—just as is the case with other aspects of the issue—that only part of the story is "getting out". Rather than "stonewalling", as many have believed to be the case, we found that cooperation by these governments, *particularly* Vietnam, is improving. Of course, only a few years ago we confronted a very different attitude in the region. Those working in the Departments of Defense, State, and other tasked agencies deserve credit for their collective efforts which have helped to bring the Vietnamese, particularly, to the current level of cooperation.

This is not to say that we should be satisfied with the *levels* of current cooperation. In fact, we pressed that point consistently in high-level meetings throughout this trip. This is an important message, and one that should be raised repeatedly in all our contacts with those governments. In fact, Vietnamese officials gave promises of even more cooperation and allocation of resources; these assurances should be tested quickly.

At the same time, recognition should be given to the cooperation and assistance we are receiving. It is ironic that our government should have diplomatic relations with Laos, a country which, until recently, has provided relatively limited assistance in POW/MIA matters despite the widespread view that most of the unanswered questions concerning the missing-in-action lie in Laos, while maintaining a trade embargo against, and diplomatically isolating, Vietnam, a country which has substantially increased its cooperation on a range of POW/MIA issues. The question must be raised whether beginning the process of normalization of relations with Vietnam and lifting the economic embargo is likely to enhance or diminish Vietnam's cooperation on POW/MIA issues.

By contrast, Laos, while *saying* the right things, has done less than Vietnam. Laos has agreed to a "one-year plan" for investigating crash sites. The U.S. has made proposals to the Laotians aimed at increasing the resources—materiel and personnel—devoted to these efforts. Our delegation urged Lao officials to do so. We do find noteworthy the support the Lao furnished U.S. investigators this summer, which ultimately produced disappointing findings in the case of photographs family members had identified as being of Navy Lt. Daniel Borah.

Laos, which has diplomatic relations with us, seeks to elevate relations to the ambassadorial level, and to win most-favored nation trading status. But the Laotian government clearly understands that future relations with the U.S. depend on improved cooperation on MIA issues.

It is important, however, that we not focus too narrowly in our efforts to secure the fullest possible cooperation overseas on POW/MIA matters. The Vietnam War, we know, saw many East bloc countries, from nearby China to far-off Cuba, lend support to the North Vietnamese. That support ranged from materiel assistance to stationing military advisers in-country. The effort to resolve the POW/MIA issue is ultimately a search for information, and we must seek that out wherever it may be. Indeed the radically changed or changing geopolitical climate in many of North Vietnam's former wartime allies suggests that the opportunity to secure cooperation and information from such governments may be greater now than perhaps ever before. We appreciate that the Department of State has pursued such inquiry with the Soviet Union, China, and other governments. We do not question the aggressiveness of that pursuit. We simply urge the Department to continue to explore these channels, consistent with the priority this search demands.

Vietnam

It is clear that all the countries in the region want improved relations with the United States. They realize that the Soviet Union, their former patron, has more pressing domestic concerns, and they are anxious to avoid domination by Japan or China. Voices in this country have urged our Government to forge a lasting trading relationship with Vietnam, a country which seems to be seeking to put enmity behind it. In our view, both nations could potentially benefit in the long term from a closer political and economic relationship.

Vietnam is a country of roughly 70 million people. It is noteworthy that that population has climbed substantially since the war's end and the country's unification in 1975 when, according to United Nations census data, the combined population of North and South Vietnam totalled 48 million. Also, that population is relatively young, with a median age of 20.9 years, and its labor force is estimated to number 35 million. Domestically, Vietnam has instituted major economic reforms which have begun to improve the quality of its people's lives. Still Vietnam remains a desperately poor country with dramatic needs for infrastructure improvement and for economic development. The U.S. can play a major role in that nation's economic "blossoming" or we can cede those opportunities to international competitors.

Our State Department's formula for the process of normalization with Vietnam is set out in a "roadmap" which ties normalization of diplomatic and economic relations to continued progress on POW/MIA efforts and to Vietnam's carrying out our policy goals for achievement of a Cambodian peace settlement. The "roadmap" concept can be helpful, in our view. And our Government must be prepared to honor its stated commitment to "immediately" proceed on the path toward normalization as soon as the conditions stipulated in the first phase of that understanding are met.

A roadmap can provide more than a single route to the destination, however. In other words, the "roadmap" should not become a "roadblock." While we see merit in conditioning full normalization of diplomatic and economic ties to certain actions by the Government of Vietnam, we believe that that government has taken steps which warrant our giving consideration to review and possible relaxation of certain aspects of our trade embargo. The relatively rapid progress toward a peace settlement in Cambodia also suggests the need to reassess the precise formula reflected in the "roadmap."

Vietnam's recent 7th Party Congress suggests both a continuing emphasis on market-based economic reform and a "tilt" toward China. These developments also suggest the value of a positive signal from the United States. Vietnam faces deep financial problems with the elimination of Soviet aid, and with Japanese and European companies poised to reap opportunities there for trade, our Government's posture ultimately may place U.S. firms at a competitive disadvantage.

In our view, a first step at least is warranted—to grant an exception to our country's trade embargo to permit telecommunications links between our countries. If we can re-establish telecommunications links with Iraq as we have recently done, we should do no less in Vietnam. It would appear that the bar to such links takes its heaviest toll not on the Government of Vietnam, but on our own Vietnamese-Americans, who are denied the means to speak with loved ones who remained behind as well as on U.S. personnel operating in Vietnam. A second element could be to eliminate the 25-mile travel restriction on Vietnamese officials working at the United Nations. We have called repeatedly on the Vietnamese to ease travel restrictions on U.S. officials and citizens traveling in that country. Our calls would be more credible if we eliminated what appears to be simply a punitive restriction. In that connection, it would be helpful for our Government to allow American businessmen to travel to Vietnam to explore commercial possibilities. Such a step, well short of actually conducting business, would also enhance search efforts by placing more American feet in-country and fostering more spontaneous travel to isolated regions. In taking such initial steps vis-a-vis Vietnam, however, it is important to avoid creating the perception that they represent elements of a quid pro quo. To that end, these steps could well be taken without fanfare or pronouncements; the message would be easily understood by the Vietnamese.

This delegation witnessed the promising working relationship which has developed between members of our POW/MIA office in Hanoi and their Vietnamese counterparts. The opening of that office, the access our people are getting to pertinent military archive materials, the Government's willingness to permit American officials to begin visiting prison facilities, and other actions taken in response to recent requests in connection with the publication of the "Robertson/Lundy/Stevens" photo, for example, are not insignificant acts. This is particularly so in light of the more hesitant and limited cooperation we have enjoyed in some of our dealings with the Lao.

Vietnamese officials characterize their cooperation in accounting for the fate of our missing-in-action as "humanitarian." Surely, it is in our interest to respond in a similarly humanitarian manner by opening telecommunications links. Although this step is currently contemplated only in the second phase of the "roadmap", favorable action at this time, reflecting some flexibility, seems appropriate.

Still, there is very credible evidence that, although Vietnam has turned over remains in the past, it continues to hold the remains of additional Americans. In discussions with Government officials, the delegation emphasized the importance of "unilaterally" returning recovered remains, and suggested that such action would benefit both of our countries. As the roadmap itself makes clear, the repatriation of remains in Vietnam's possession is an issue which must be resolved before we consider full normalization. In that regard, the Vietnamese can take still further action to repatriate remains. In our discussions, we requested the Vietnamese to institute appropriate steps to waive or alter laws which bar or inhibit Vietnamese citizens from bringing forward or identifying the whereabouts of remains of U.S. servicemen. While we obtained no commitment on this point, it is an issue we would urge our Government to pursue further.

Cambodia

We cannot overstate the importance *to the region* of achieving real peace in Cambodia. The "roadmap" is right, in our view, in calling on Vietnam to use its influence to press for a comprehensive peace settlement. The Cambodians themselves have taken important steps in that direction. Here, too, our Government can reach its objectives along more than one road.

In our discussions, we urged Cambodian officials as well as the Vietnamese—who can play an important role—to work toward a comprehensive, lasting settlement. We pressed them to follow the general framework, if not the blueprint, of the Cambodian peace plan endorsed by the five permanent members of the U.N. Security Council. There are certainly limits to the leverage which the Vietnamese can exert, particularly given the well-founded Cambodian concern that the formula for a settlement not provide any opening for the Khmer Rouge to seize power. Nevertheless, there appear to be common interests within Cambodia and in the region in achieving a comprehensive, lasting settlement which ensures the right of the Cambodian people to elect their own government and which protects against the return of a genocidal regime in Phnom Penh. Resumption of relations between China and Vietnam points in this direction.

Differences remain on the nature and extent of a U.N. role in disarming and demobilizing the armed forces of the warring factions. These differences stem from an enormous and justified mistrust of the motives and plans of the Khmer Rouge. While we have encouraged adherence to the U.N. plan, one should not be surprised to see the nations most affected—Cambodia, Vietnam, China, and Thailand—reach their own understanding. As long as such an understanding is comprehensive in scope, and guarantees the Cambodian people selfdetermination, while checking foreign interference in Cambodian internal affairs, we do not believe such an accommodation should adversely affect the process of normalization of relations between the United States and Vietnam.

Stability in this region is clearly linked to stability in Cambodia. With that perspective, we note that Cambodian peace talks continue to progress at a pace which gives a real basis for optimism.

Laos

Like Vietnam and Cambodia, Laos is clearly a state in transition. It is progressing methodically, with substantial economic reforms, to develop something closer to a free-market economy. The country has only recently adopted a new constitution. It is a country with great needs. Understandably, Laos' concerns vis-a-vis the United States occupy a relatively lower priority than those of many other nations. In regional terms, however, it should not be overlooked. Its peasant farmers' production of opium-producing poppies, alone, demands that it not escape our attention. And certainly our Justice Department's Drug Enforcement Agency has real concerns. Laos may also hold answers to the MIA riddle, given its rugged terrain over which more than 500 pilots were lost, only a handful of whom were among those released by Hanoi in 1973. One must also acknowledge the vast humanitarian needs facing this country. U.S. Government-provided humanitarian assistance, frankly, is meager in scope.

Until recently, the Lao have appeared to move warily to meet our urgings. Some ascribe this to culture, others to limited resources—materiel and human, others to the question "why should they?"

One need not have confidently answered that question, however, to conclude that our Government can and should do more in Laos.

Regional Issues and the United States

We welcome the State Department's efforts to link improvements in cooperation on POW/MIA developments to easing in our relationships with these countries. Our extensive travel throughout Indochina provided graphic evidence, however, of the poverty of this region, of the toll of decades of war, and of the need for humanitarian and technical assistance. Each of these countries remain fascinated with America and looks to us with hope. Each wants to put war behind it.

A common pattern of commitment to economic reform holds some promise for improving the lives of the peoples of the region, as well as for cementing better relations between these nations and their neighbors and with the West. The question can be raised whether beginning the process of normalization with the countries of Southeast Asia, especially Vietnam, would encourage or discourage economic reform. From our study, the answer appears to be that economic reform would be encouraged by beginning the process of normalization.

In considering the question of improved relations with these countries in the future, it is important to appreciate that these are all states in transition. We can only speculate on where that transition will ultimately take them. At this point in time, though, one finds striking the contrast between the spirit of *economic* reform manifest in each of these countries, on the one hand, and their apparent *ideological* *rigidity,* on the other. The degree to which real political reforms take root will, of course, ultimately color the depth and nature of future relations with us.

There are other important issues to be considered—issues regarding the plight of Cambodian refugees, political detainees in Vietnam, humanitarian and discrimination issues related to the treatment of those who served with us in the South Vietnamese armed forces, and narcotics control and interdiction. We pressed the respective governments on these and other issues, and urge the State Department to continue to do so.

There is much that can be done in this region, perhaps in part by our Government and certainly by nongovernmental organizations. Solely by way of example, one opportunity for important work lies in the humanitarian program for Amerasian youngsters and family members who pass through a transit center in Vietnam on their way to the United States. Thousands more will pass through its doors. While this center provides housing, often for many months, only very rudimentary English instruction and sewing and jewelry-making classes are available to the in-transit residents. The scene cries out for assistance to arm these people with the language and employment skills for the difficult transition ahead.

The region has seen much suffering. And, its needs are great. But we also found reason for hope—in the domestic changes underway, in momentum for peace in Cambodia, in the search for a positive relationship with this country.

RECOMMENDATIONS

In light of our findings, discussed above, we believe that progress in both accounting for the fate of America's missing-in-action in the Vietnam War and moving toward a comprehensive peace settlement in Cambodia can be advanced by a number of actions on the part of our Government. Accordingly, and with due regard to the expertise in, and jurisdictional authority of, several committees of the Congress, we offer the following recommendations for appropriate executive and legislative consideration. We recommend that:

1. The U.S. Government clarify the priority it attaches to resolving the POW/MIA issue—which, we urge, reflect that it truly considers it a high priority—and that it allocate a commensurate level of resources to that effort;

2.(a) Responsibility for policy formulation, coordination, and operations be vested in the Secretary of Defense; and (b) that the POW/MIA Interagency Group be disbanded;

3. In carrying out such responsibility for POW/MIA affairs, the Secretary of Defense establish a single office—headed by a highly motivated and able officer of at least one star rank, such position to be rotated at appropriate intervals—to be in charge of all POW/MIA activities and to whom all elements carrying out those activities report;

4. The Secretary reorganize those elements carrying out POW/MIA activities, particularly JCRC and CILHI, to assure integration and uniform reporting within a single command structure; and immediately replace current incumbents in command/director positions who have served in that capacity for 5 or more years;

5. The Secretary take all possible steps, coordinating as necessary with other involved Departments, to accelerate efforts to achieve as full an accounting as possible of the fate of America's missing in action, to include such specific measures as:

(a) deploying *in Vietnam and Laos,* particularly, (rather than in Hawaii or Bangkok) such additional personnel as "are deemed to be needed to expand efforts currently carried out under the auspices of the JCRC and CILHI; pressing Laos, Vietnam, and Cambodia for the right to assign such personnel for extended in-country stays of up to 6 months; and assigning certain of those personnel to work independently to clear landing zones near crash sites to reduce the time required by excavation teams to reach remote sites;

(b) strongly encouraging the governments of Vietnam and Laos to designate personnel for the United States to train to assist in our excavation efforts in those countries;

(c) pursuing aggressively an arrangement under which in-country teams can increase their access to excavation sites and the safety of such transportation (through negotiation to permit the use of U.S. helicopters and pilots, or in the alternative, arrangements for training Vietnamese, Lao, and Cambodian pilots to fly U.S. owned or leased helicopters which could be given to those governments upon completion of our Government's efforts;

(d) stimulating further cooperation from the governments of the region through increasing the school-building activities of the U.S. Army Corps of Engineers (through the Corps and possibly also through other Department assets such as Navy Seabee units) in Laos, and possibly replicating those efforts in Vietnam and Cambodia, (consideration should also be given to such humanitarian assistance as construction of health clinics); and

(e) developing more reliable mechanisms for ground transportation of U.S. personnel in the field in Vietnam (to include consideration of deploying utility vehicles donated by the Japanese during the Persian Gulf crisis if they are readily available and could be serviced by dealers in Vietnam in lieu of the current practice of using vehicles which must be flown to Guam to be repaired);

6. The Secretary limit to an advisory role the involvement of nongovernment entities in the area of POW/MIA affairs, and that the Secretary consider establishing a Federal advisory committee through which such nongovernment entities might provide guidance;

7. The Secretary (a) review the classification procedures applicable to intelligence-gathering in POW/MIA affairs, and take all necessary measures to declassify information on, and gained through, such intelligence-gathering, to the maximum extent possible; and (b) strive to reduce the clandestine character of POW/MIA search activities (recognizing that that secretiveness may have more to do with the professional backgrounds of those assigned to such missions than to the requirements of the search itself);

8. The Secretary, after carrying out the above recommendations and any other actions to further efforts to provide as full an accounting as possible of the fate of those missing in action, *personally* communicate with the American people through electronic and print media, to the extent possible, to explain in full the means through which the Department is working to resolve the issue and the degree of success it has had, with the aim of enhancing public confidence in that process and minimizing the suspicions which have clouded that effort;

9. The Secretary, in coordination with the Secretary of State, develop a coordinated "master" plan for carrying out POW/MIA operations, which identifies the precise roles, responsibilities, and interaction of and among the respective Governments, agencies, and officials involved;

10. The Secretary prepare for the Special Presidential Emissary to Hanoi for POW/MIA Affairs (General Vessey) a follow-up list of additional compelling cases for resolution to be taken up upon completion of the original list of 119 "discrepancy cases" (with an eye to dispelling concerns that still more compelling cases were not included among the original 119);

11.* The Secretary of State consider—in light of both the progress already made toward realizing a comprehensive, lasting settlement of the civil war in Cambodia and actions taken by Vietnam—recommending to the President taking a first step or steps (consistent with the Secretary's assessment of the progress achieved) toward normalization of relations with Vietnam (to include our Government's carrying out the steps outlined in Phase I of the "roadmap"), and particularly toward recommending (a) the grant of an exception to the trade embargo to permit telecommunications links between the two countries, taking into account how that step is in our own country's best interest, its humanitarian significance, as well as Vietnam's substantial progress toward development of a market economy; and, (b) lifting the 25-mile travel ban on diplomats representing the Socialist Republic of Vietnam at the United Nations and easing the travel restrictions on officials of Vietnam and Cambodia who seek to visit the United States;

12. In light of the steps already taken by Vietnam, the Secretary—upon the signing of a Paris Conference/United Nations agreement on a Cambodian political settlement—begin immediately the process of normalizing relations with Vietnam as set forth in the April 1991 "roadmap", to include speedy action to facilitate telecommunication links as described in recommendation number 11, above; and

13. The Secretary of State consider any other steps within that official's control which might further U.S. Government efforts to hasten the process of obtaining as full an accounting as possible of the fate of America's missing in action as well as public confidence in that accounting, to include:

(a) determining whether provisions of Vietnamese law may deter or inhibit some Vietnamese citizens from relinquishing or identifying the whereabouts of remains of U.S. MIA's, and, if so, exploring with the Government of Vietnam legal remedies to encourage such citizens to return such remains to include consideration of our Government's instituting a policy of providing modest financial rewards in instances where the remains were subsequently identified as Americans; and

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* The delegation recognizes that progress toward, and potentially imminent signing of, an agreement on a Cambodian political settlement may make this recommendation moot.

(b) coordinating with officials of the governments of Vietnam, Laos, and Cambodia to request their assistance in enabling family members of U.S. MIA's/POW's to move freely about those countries, and to encourage and facilitate the efforts of family members so interested to do so.

ITINERARY

Saturday, August 3

6:30 pm—7:30 pm: Briefing for members and staff by Deputy Assistant Secretary of State Ken Quinn at Andrews Air Force Base.

7:30 pm—7:45 pm: Press Conference at Andrews Air Force Base.

11pm: Depart Washington, DC for Hickam Air Force Base, Hawaii.

Sunday, August 4

2 am: Arrive Hickam Air Force Base, Hawaii.

Sleep

11 am—12 pm: Brunch with CINCPAC Rear Admiral Larry Vogt.

12 pm—1 pm: Briefing for members and staff by the Joint Casualty Resolution Center (JCRC) staff: Lt. Col Joe Harvey (Commander, JCRC); Lt. Col. Roger Gaebel (Negotiations officer); Major Jim Moye (Operations Officer); LCDR Sharon Armour (Executive officer); Mr. Ray Spock (Casualty Data Division Officer); Captain Chad Pohlers (Senior Analyst) at JCRC, Barbers Point—Hawaii.

1 pm—2 pm: Briefing for members and staff by the U.S. Army Central Identification Laboratory (CILHI) staff: Lt. Col. Johnnie Webb (Commander, CILHI); First Sergeant Richard Huston (First Sergeant); Captain William Hudson (operations Officer); Chief Warrant officer Michael Gosnell (Adjutant); Major Jimmie Schmidt (Odontologist); Mr. H. Thorne Helgesen (Lab Administrator); Dr. Kim Schneider (Anthropologist) at CILHI.

2:30 pm: Depart Hawaii for Bangkok, Thailand.

Tuesday, August 6

1 am: Arrive Bangkok, Thailand.

Sleep

8 am—9 am: Coffee for members and staff with the American Chamber of Commerce in Thailand at the Imperial Hotel: David Hendrix (County Corp. officer, Citibank N. SA.); Harold Vickery (Director of Vickery, Prapone, Pramuan & Worachai, ROP); Toby Marion (General Manager, Caltex Oil Thailand T,T'D); David Lyman (Partner of Tilleke & Gibbins ROP); Thomas Seale (Executive Director of the American Chamber of Commerce in Thailand); Kenneth Lambert (Chairman, KLPL Asia); Raymond Eaton (Chairman, Export Development Trading); Beth Krasna (Director, Krasna & Associates); Jerry Loupee (Managing Director, Himont Asia Pacific); Richard Blue (Representative, The Asia Foundation); David Copeland (Managing Director, Black & Veatch International); Douglas Gardner (Chief of Finance & Admin., Maekong Committee); Tom Olson (Country Manager, American President Lines); Jack Phillips (Resident Manager, Premier oil Pacific LTD); William Reinsch (Managing Director, Transpo International LTD); Annick Hemsin (Director, Tilleke & Gibbons Consultants LTD).

8 am—10:30 am: Working breakfast for members and staff with Deputy Chief of Mission Victor Tomaseth (US Embassy—Bangkok) and Special Assistant to the Ambassador Andre Sauvageot at the Imperial Hotel.

11 am—2 pm: Briefing and working lunch for members and staff with Major Frye and Colonel Kohl of JCRC and CILHI at the US Embassy—Bangkok (includes briefing for members only).

2 pm—3 pm: Briefing for members and staff by Drug Enforcement Agency (DEA) staff: Glen Cooper and Don Stern at the US Embassy—Bangkok.

3:30 pm: Depart Bangkok, Thailand for Vientiane, Laos.

4:30 pm: Arrive Vientiane, Laos.

4:30 pm—6:30 pm: Briefing for members and staff by Charge D'Affaires Charlie Salmon at the US Embassy—Vientiane (including several embassy staff).

6:30 pm—10:30 pm: Reception and Dinner for members and staff with Charlie Salmon, US Embassy staff, and Lao officials (See attached list) at Charlie Salmon's Residence.

Wednesday, August 7

7:45 am—8:45 am: Working breakfast for members and staff with US experts assisting the government of Laos on economic reforms and UN representatives at Charlie Salmon's Residence.

9 am—10 am: Meeting for members and staff with Vice Minister of Foreign Affairs Soubahn Srithirath of Laos.

10 am—11 am: Meeting for members and staff with Vice President of the National Assembly Thongsing Thamoavong of Laos.

11 am—12 pm: Meeting for members and staff with Foreign Minister Phoun Sipraseuth of Laos.

12 pm—1 pm: Meeting for members and staff with Minister of Foreign Economic Relations Phao Bounnaphonh of Laos.

1 pm: Depart Vientiane, Laos for Phnom Penh, Cambodia.

3:30 pm: Arrive Phnom Penh, Cambodia.

4:30 pm—6 pm: Meeting for members and staff with Foreign Minister Hor Nam Hong of Cambodia.

7 pm—10 pm: Meeting and Dinner for members and staff with Deputy Prime Minister Kong Som 01, Deputy Foreign Minister Long Visalo, Member of Parliament Dr. Abdul Xoyome, Member of Parliament Ms. Som Kim Suol, Deputy Director of the Department of Foreign Affairs Sim Suong, and Director of the Department of the America's Theam Chuny.

10 pm—11 pm: Press interviews.

Thursday, August 8

7 am: Depart Phnom Penh, Cambodia for Hanoi, Vietnam.

10:30 am: Arrive Hanoi.

12 pm—2 pm: Working Lunch and Briefing for members and staff with Bob Destatte, Researcher at US MIA office in Hanoi, at Boss Hotel.

2 pm—3 pm: Meeting for members and staff with Director of the Americas Department Mr. Dang Nghiem Bai at the Vietnamese Ministry of Foreign Affairs (old French Governor's Palace), including Vietnamese Foreign ministry Officials.

3 pm—4 pm: Meeting for members and staff with Foreign Minister Nguyen Co Thach at the Vietnamese Ministry of Foreign Affairs, including Vietnamese Foreign Ministry officials.

Delegation split into two groups.

Group A: Reps. Carper, Kolbe, and Skaggs.

4 pm—6 pm: Visit to Prosthetics Center (AFMA Center) hosted by Director Dang Hanh Loc and Le Duc Loi (engineer).

Group B: Reps. Peterson and Gilchrest.

4 pm—6 pm: Visit former POW prison compound. Reps. Peterson and Gilchrest attended.

Delegation regroups

7 pm—10 pm: Dinner for members and staff at the Vietnamese Ministry of Foreign Affairs hosted by Mr. Dang Nghiem Bai and staff of the Americas Department.

Friday, August 9

8 am: Depart Hanoi for Ho Chi Minh City.

10:30 am: Arrive Ho Chi Minh City.

2 pm—3 pm: Visit to the Amerasian Transit Center for members and staff with ATC Director Mr. Le Van Thien and ATC Deputy Director Mr. Tuan.

3 pm—4 pm: Visit to the Orderly Departure Program for members and staff with Alison Krupnick (consul).

5-pm—6 pm: Meeting for members and staff with Vice Chairman of the People's Committee Pham Chanh Truc, Deputy Director of the Foreign Affairs office of HCPL City Huynh Ngoc An, Economic Advisor Nguyen Hau, at the residential palace.

Saturday, August 10

7 am: Depart Ho Chi Minh City for Da Hang.

9 am: Arrive Da Hang.

Delegation split into two groups.

Group A: Reps. Carper, Peterson, and Kolbe.

9 am—10 am: Visit with Vietnamese members of the 14th Joint U.S.-Vietnamese Excavation Team: Director Nguyen Dinh An, Ngo Van Tran, Doan Ngoc Dau, and Mai Quy Trung.

10 am—11 am: Visit with US and Vietnamese members of the 14th Joint US-Vietnamese Excavation Team: Investigation & Recovery Team Commander Bill Bell, Investigation Team Chief James Webb, Team Medic Garry Bolduc, Team Analyst Keith Flanagan, Team Analyst Stephen Thompson, Grave Recovery Specialist Randall Nash, and Grave Recovery Specialist Tommy Taylor.
Group B: Reps. Skaggs, Rhodes, and Gilchrest.
9 am—11 am: Tour of Da Hang.
Delegation regroups
11 am: Depart Da Hang for Hanoi.
1 pm: Arrive Hanoi.
2:30 pm: Meeting for members and staff with General Secretary, Vietnamese Communist Party, Do Muoi, including Foreign Ministry officials.
4:30 pm Depart Hanoi for Hawaii.
Cross international date line

Saturday, August 10

2 pm: Arrive Hawaii. Press Conference.
3 pm—5 pm: Discussion with CINCPAC General Fields and Major General Christmas.

Sunday, August 11

6 am: Depart Hawaii for Colorado (initial disembarkation) and for Washington, DC

BRIEFINGS RECEIVED IN PREPARATION FOR TRIP TO SOUTHEAST ASIA

The following meetings and briefings were held prior to departure for Southeast Asia, August 3, 1991:

July 22

Khenthong Nouanthasing, Second Secretary, Embassy of Laos

July 23

Jim Webb, former Secretary of the Navy

July 24

Bill Herod, Editor Indochina Digest, trade journal Robert Muller, -Vietnam Veterans of America Foundation

July 25

Rep. Lane Evans, who recently traveled to Vietnam General Vessey, -President's Special Emissary to Vietnam Marie Huhtala Acting Director, -Office of Vietnam, Laos, Cambodia affairs; Scot Marciel, Laotian Desk --Officer; Frank Light, Vietnamese Desk Officer; Department of State

July 29

Ann Mills Griffiths, National League of Families
Kien Pham, Special Assistant to Assistant Secretary of Defense for International Scurity Affairs
Bob Sheets, Chief, Special Office for POW/MIA, Defense Intelligence Agency
Lionel Rosenblatt, President, Refugee International
Senator John McCain, who recently traveled to Southeast Asia
Gerritt Gong, Resident Scholar on Southeast Asia, Center for Strategic & International Studies (CSIS)

July 31 Allen Pell Crawford, Investigative Journalist, Washington Post

Bill Franke & Steve Hayes, 'Operation Smile', private humanitarian relief operation in Vietnam
Paul Mather, former Commander, Joint Casualty Resolution Center
Senator John Kerry, who recently traveled to Southeast Asia

Aug 1

Chris Lamb, Former Australian Ambassador to Burma and Thailand, now based in Washington
Jay Winik, National Defense University
Carl Ford, Assistant Secretary of Defense for East Asian & Pacific Affairs

Aug 1

Dick Cheney, Secretary of Defense

Captain Red McDaniel, Col. Mike Peck

Aug 3

Ken Quinn, Deputy Assistant Secretary of State, who recently returned from Southeast Asia

The CHAIRMAN. Now there are obviously some instances of fraud here. They have been proven. It is clear that there is fraud.

Have you got any sense from the policy perspective of what, if anything, people are seeking to gain from a policy point of view by perpetrating fraudulent POW/MIA claims?

Mr. QUINN. I am really not familiar with the details of fraudulent POW/MIA claims.

The CHAIRMAN. Well, photographs were circulated which were asserted to represent POW's. And the photographs have been proven to be fraudulent.

So someone saw fit to offer up a photograph knowing full well that it came out of a Soviet magazine, for instance.

It is a hoax, right? What is the purpose of that hoax? Is the purpose to keep America angry at Vietnam? Is the purpose to stir up the water so that we will not normalize? Is the purpose, I mean, what is the purpose? What are they trying to do, make money?

Mr. QUINN. I think there are a lot of people who want to make money. I think it is hard to put, impute motives to what people are doing. But I think that there is no end as to what people will go to to try and sell something if they think there is a buyer.

The CHAIRMAN. Have we ever bought any? I do not think anybody has paid for them, have we?

Mr. QUINN. Not that I know of.

The CHAIRMAN. So where is the money?

Mr. QUINN. I think the impression has been around, there have been stories that there have been rewards. There are stories about that in Vietnam and Cambodia and Laos that if you would provide POW/MIA materials or remains you might be able to get a visa. Certainly there are people, boat people, who have left with the mistaken belief that this could somehow help them get accepted for resettlement in the United States of America.

I think these kinds of rumors and myths have floated about in Vietnam and Cambodia. And it is like, you know, during the war there was always people trying to sell you bad intelligence, made up information. Some people are looking to ingratiate themselves. Some want to go the United States. Some may do it for motives that I could not understand. And others do it because they think there is money.

And if you are a middle man in Vietnam and you can convince somebody who is going to take off as a refugee or somebody in Cambodia who is heading for the Thai border that, look, you will be better off if you have something that looks like it POW/MIA information, they can probably sell that.

So I think there is no doubt that there is that type of activity that goes on.

The CHAIRMAN. Any other questions? Senator Smith.

Senator SMITH. There was an article about, I do not know, 3 months or 4 months ago, June, I think, in the Washington Times, as I recall, about a story that a former Pathet Lao general, General

Singaphou had allegedly had a discussion with two Americans from the embassy, is what the article said.

And that he had stated to them that Americans had survived and been captured in 1968 at the so-called Lima Site-85, which as far as I know from all of the briefings that I have had on it as far as we know that everybody died there. Did that come to your attention at all?

Mr. QUINN. Yes, sir, it did, Senator. And during my visit to Vientiane in July when I raised the Borah, Carr, Robertson, Stevens, and Lundy photos, I also brought up the subject of access to this general.

And at that time I obtained from the Lao government their agreement that they would provide us access to him.

Senator SMITH. And have we gotten that access?

Mr. QUINN. Yes, sir.

Senator SMITH. We have? We have spoken to General Singaphou? And if you can say it in open session, what was his response?

Mr. QUINN. I believe his response was that he was remote and distant from that operation at that time and that he did not have the specific information about it.

Senator SMITH. So he denied then that the had such a conversation?

Mr. QUINN. I am not sure if he denied having said that, but I think he denied that he had that kind of information that he knew to be true.

Senator SMITH. Thank you.

The CHAIRMAN. Senator McCain.

Senator MCCAIN. No more questions.

The CHAIRMAN. Are you aware of any rescue missions that were made to go into Vietnam to try to pull people out?

Mr. QUINN. By the U.S. Government?

The CHAIRMAN. Yes.

Mr. QUINN. Do you mean beyond the Songte raids?

The CHAIRMAN. Beyond the Songte raid.

Mr. QUINN. No, sir, not unilateral American. I do not think so. You are talking about, certainly, during the war I remember the stories.

The CHAIRMAN. No, since the war, during the 1980's.

Mr. QUINN. No, sir.

Senator MCCAIN. U.S.-sponsored, he means.

The CHAIRMAN. U.S. Government or U.S.-sponsored rescue missions.

Mr. QUINN. I am not aware of any rescue missions.

The CHAIRMAN. Mr. Secretary, thank you.

We will leave the record open with respect to your testimony. There will be some questions that we will submit in writing and we would appreciate your answers thereto. And thank you very, very much for taking the time.

If I could ask Secretary Ford and Major Generals Ryan and Christmas if they would come forward please. Thank you, gentlemen, for your patience.

Senator SMITH. Mr. Chairman, I wonder if I could take a moment to clarify the record on the point that I made regarding the reason.

Staff indicates to me the reason why the document that we were referring to as the Gaines report was not provided here was because it was a classified document and should not have been provided. So that is the reason why the document was not here. And that is appropriate.

And as far as I know that document was turned over to staff and is in the room. Just because it is classified, I have not gone up to see it.

The CHAIRMAN. Gentlemen, could I ask you to rise? And if we could just go through the formalities.

[Witnesses sworn.]

The CHAIRMAN. We very much appreciate your patience. It has been a long day here and I think you are testifying again tomorrow. And I know you have a lot to do other than testify.

On the other hand, I think the testimony of each of you is terribly important for this process. And we are very appreciative of the time you have taken to be here.

Mr. Secretary, particularly I want to express appreciation to you. I think certainly since I have been front and center on this as Chairman of the committee and prior to that I have had nothing but cooperation from you. And I have appreciated it enormously. I think you have been forthcoming. You have been available to us. And you have indicated, and I think helped change significantly the relationship and the attitude with respect to this.

The committee appreciates that. And I think nothing will serve all of us better than to continue that and to have that kind of relationship here.

And so we begin, I think, on a very good footing. And I want to express the gratitude of the committee for that.

We welcome your opening statements and then we will proceed to ask questions.

STATEMENT OF CARL W. FORD, JR., PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE, INTERNATIONAL SECURITY AFFAIRS

Mr. FORD. Thank you, Mr. Chairman. I would, if you would allow me, just submit my written testimony for the record and make a few informal comments.

The CHAIRMAN. Without objection, your full statement will be placed in the record.

[The prepared statement of Mr. Ford follows:]

PREPARED STATEMENT OF CARL W. FORD, JR.

Mr. Chairman, Senator Smith, and other members of the Committee, I am pleased to appear before you today as a witness. Yours is an important task: to educate the American people about the POW/MIA issue; to provide legislative oversight for Executive Branch policy; and to review the process by which the POW/MIA issue is pursued and, hopefully, resolved. I welcome this opportunity to address the Committee, and provide you with an overview of Defense's efforts to resolve the POW/MIA issue. Our first commitment is to the families. We seek as a priority to end the uncertainty for thousands of families whose loved ones are still unaccounted for from all our nation's wars.

Let me first reaffirm the importance attached to the POW/MIA issue by the Department of Defense. Simply stated, resolution of the POW/MIA issue is one of highest national priority. This priority is fully supported by President Bush, Secretary Cheney, and General Powell. We have acted to implement this policy by pressing the governments of Indochina to expand POW/MIA operations. Until recently, the results have been meager. Over the past year, new promises of cooperation by the Indochina states have allowed us to increase the numbers of personnel dedicated to our effort. Our augmentation is now largely complete, having added 88 new people to the some 150 world-wide, who already work on the POW/MIA issue full-time.

Secretary Cheney has also recently created the position of Deputy Assistant Secretary of Defense for POW/MIA Affairs. This individual will provide a single point of leadership within the Pentagon for the POW/MIA issue. In addition to the DASD, Secretary Cheney has increased the staff from 3 to 14. This expansion was dictated largely by the increased scope of our operations in Southeast Asia. I would like to briefly describe our expanded operations, and then respond to your questions.

Live Sightings

Our most urgent priority is investigating whether or not live Americans are held against their will in Southeast Asia. The *live prisoner* issue has been at the forefront of our investigations. While the governments of Indochina have consistently denied that they are still holding American prisoners, their denials have not deterred us from pursuing the *live prisoner* issue directly on each and every occasion, and at all levels, with them for several years. We intend to keep the pressure on.

Although we have thus far been unable to prove that Americans are still detained against their will, information available to us precludes ruling out that possibility. Our assumption is that at least some Americans are still held captive. Should any report prove true, we will, as President Bush has pledged, take *decisive* action to return them home. We have a live-sighting investigator on the staff of our Hanoi Office, that I will discuss later, and we are hopeful that he will be granted free access by the Vietnamese to carry out his duties. To date, we have not reached complete agreement with the Vietnamese on the modalities of investigating live-sightings in Vietnam, but we are continuing to negotiate this important issue at every opportunity.

Investigating live-sightings reports will continue to be our first priority. We will dedicate all resources necessary to support this vital requirement just as we have with the photographs that have appeared prominently in the media this past summer. Unfortunately, during our investigations of the photographs, we have uncovered a number of fabricators. Although the time spent tracking down these low-lifes is necessary, it detracts from the time we can spend investigating the many compelling cases in which there is the greatest likelihood that the serviceman may still be alive.

We are also plagued by a number of well intentioned, and not so well intentioned, part-time private investigators. The worst of this group traffic in reports obtained from unnamed sources in Southeast Asia, invite publicity to their claims of live Americans, promise great results, and often seek to raise money to keep their efforts going. It is also common practice for them to claim that their information is proof positive of government ineptitude and cover-up. In the process, they raise the expectations of the families desperate for any sign that a loved one is still alive. Unfortunately, when we investigate their we find no Americans, only unsubstantiated hearsay accounts, and too often signs of deceit and fabrication. Individuals who repeatedly provide false information, well intentioned or not, should be called to account for their actions. The families have suffered enough.

Vietnam

Over the past year, the Vietnamese have demonstrated increasing levels of cooperation in resolving the fates of Americans missing in Indochina. Increased access to Vietnam and Vietnamese wartime records is largely due to the personal efforts of the President's Special Emissary to Hanoi for POW/MIA Affairs, Gen. John Vessey, USA (Ret.). His persistence has allowed us to forge ahead at an accelerated pace. In April, he led an interagency delegation to meet with Foreign Minister Thach in Hanoi. At that meeting, General Vessey and Foreign Minister Thach agreed to establish a POW/MIA Office in Hanoi that would: conduct in-country investigations of reported first hand live-sightings; research historical records; conduct forensic review of jointly or unilaterally recovered remains; and conduct advance planing and execute joint field operations. On July 8, the U.S. POW/MIA Office opened in Hanoi with an initial staff of five. So far, the Office has been a success, providing a ready point of contact with the Vietnamese, and increasing communication between their officials and American POW/MIA specialists.

In September we completed the 14th Joint U.S.-Vietnam Field Investigation. This joint investigation was our most ambitious effort to date, and Vietnam's preparations and cooperation were improvements over past field investigations. Of significance, the Vietnamese allowed our resident researcher access to contemporaneous wartime documents that addressed the specific incidents of several previously unaccounted for Americans. As a result of these efforts, we believe that we may be able to confirm the death of an additional five individuals. We are hopeful that the Vietnamese will provide access to similar records for other wartime military regions.

Despite these improvements, we are still not satisfied with Vietnam's performance. Vietnamese officials could do much more to assist our efforts. Too often our office finds that public pronouncements of increased cooperation by Hanoi do not produce satisfactory arrangements on the ground. Promises to cooperate on live-sightings, improved helicopter transportation, and complete access to historical records remain only partially fulfilled. Vietnam's foot dragging on the unilateral repatriation of remains is especially frustrating.

Laos

During early 1991, we conducted the first joint investigations of discrepancy cases involving Americans last known to be in Pathet Lao hands. Shortly thereafter, in May of this year, the U.S. and Lao agreed to an expanded plan for increased joint cooperation on POW/MIA and other humanitarian issues for the rest of 1991. Activities agreed upon include further joint investigations of discrepancy cases, small scale joint surveys and recoveries and joint crash site excavations. So far, we have conducted the first three activities under the expanded program. Actual Lao cooperation on the ground has not yet fully succeeded in implementing the promised schedule. For example, we have had to delay a field activity scheduled to start late this week until the Lao repair the helicopter that they had planned to dedicate to the mission. We believe that these shortcomings are more a function of limited resources and capabilities than a lack of commitment. In fact, they have been very cooperative on urgent investigations such as the purported Borah photograph. We have two major field operations planned before the end of this year, and I am hopeful that implementation will continue to improve rapidly and enable both countries to get back on track.

Border Cases

Approximately 85 percent of the losses in Laos occurred in areas under the control of Vietnamese forces during the war. Accounting for Americans lost in such areas must be a trilateral effort between the Lao, Vietnamese, and U.S. While field operations inside Laos will necessarily be bilateral U.S.-Lao activities, the success of such efforts will largely depend upon U.S.-Vietnam cooperation. The historic records and documents required must come from the Vietnamese. We have developed a plan to work on these difficult border cases and are planning to request a meeting with the Lao and Vietnamese in Hawaii this December to explain our proposals.

Cambodia

Phnom Penh has recently begun to cooperate with us in accounting for Americans missing in Cambodia. Since July, three investigative teams have traveled to Cambodia to follow-up on the photographs alleged to be of live American POW's. Their cooperation assisted our specialists in tracking down a number of what proved to be fraudulent photographs. Since July, we have also conducted two technical meetings with the Cambodians, the first such activity since Phnom Penh fell in 1975. Phnom Penh officials have also unilaterally returned remains that we hope will prove to be an American unaccounted for from the 1975 Mayaguez incident. We are hopeful that their cooperation will continue to improve.

Korea and the Cold War

In addition to our efforts in Indochina, we recognize that there are 8,177 Americans unaccounted for from the Korean War, and perhaps as many as several hundred missing as a result of Cold War incidents. Accounting for these men is also of concern. We will continue to press the appropriate Governments for the fullest possible accounting.

The North Koreans hold the answers to these 8,177 Americans, including 389 initially classified by their Services as prisoners of war. Negotiations with the North Koreans on this subject have been conducted by the United Nations Command Military Armistice Commission (UNCMAC). The UNCMAC acts on behalf of all 16 nations, as well as the Republic of Korea, whose men fought and died in defense of freedom in Korea. The North Koreans have proved unwilling to cooperate fully with the UNCMAC, preferring instead to have occasional discussions with our embassy officials in Beijing, and to use Congressional delegations to return a small number of American remains to U.S. control. With the help of Senator Smith, we are pursuing an alternative approach that we hope will be more successful.

In the past year, we have made several approaches to the Soviets to investigate whether they possess information on Americans lost in Cold War aircraft incidents. In some of these cases, our information suggests that crewmembers survived their incidents of loss. The Soviets, however, have repeatedly denied any knowledge of the fates of these individuals. In April, the Department of State sent a demarche to the Soviets regarding this issue. More recently, Secretary of State Baker raised the issue with his Soviet counterpart during the Moscow Summit. The Soviets pledged at that time to make relevant KGB records available to our specialists. We have sent a second demarche requesting access to the promised records. We have also raised the issue of Cold War losses with a delegation of Soviet and Russian veterans' groups when it visited my office last month. With their help, we hope to raise the consciousness of other veterans, and convince them that this issue is one of signal importance to the American people.

Recent Photographs

As the Committee is aware, there have been a number of photographs that have surfaced in the media, and which have been identified by family members as MIA's from the Vietnam war. We take each identification seriously, and will use our full resources to answer the questions raised by these photos. I would like to briefly give you a status report.

Colonel Robertson, Lieutenant Commander Stevens, and Major Lundy

The first photograph to appear in the media this summer—identified by family members as depicting Colonel Robertson, Lieutenant Commander Stevens, and Major Lundy has proven difficult to investigate. No one has claimed to have seen any of the individuals pictured. The associated reporting, except for limited biographic data widely circulated by POW/MIA activists in Southeast Asia, has also proven false. In addition, our photographic experts indicate that the photograph has been altered. The alteration is similar to changes made to five other purported POW photos that we have proven to be hoaxes. The identifications by the families are the only positive information we possess. We are continuing our investigation, however, the information available to us strongly suggests that two of the individuals allegedly pictured perished at the time of their loss incidents. In the absence of additional reporting, we may not be able to resolve this case.

LT Daniel V. Borah

A photograph taken in Laos surfaced earlier this year that was identified by family members as LT Borah. In addition, a forensic anthropologist positively identified the person in the photo as LT Borah. With the help of Laotian officials our investigators were able to locate the individual who turned out to be a 77-year old Lao highland tribesman. The man was interviewed, photographed, and fingerprinted. He identified himself in the photo, as did a second individual who also appeared in the picture. Family members who want to see the tribesman for themselves will leave in a few days for Southeast Asia. They will be accompanied by our investigator who first interviewed and photographed the man in Laos.

CFT Donald G. Carr

The case of CPT Carr is quite compelling because of the remarkable likeness between the 1989–1990 photograph we obtained from Colonel Jack Bailey, USAF (Ret.), and CPT Carr's wedding picture. Secretary Cheney met with Colonel Bailey on 8 October. During the meeting Colonel Bailey promised that he would give our investigators access to his subsources, and introduce us to the individual who took the photograph. Accordingly, I dispatched a Department of Defense team to accompany Colonel Bailey to Southeast Asia. Unfortunately, after a week in Bangkok, Colonel Bailey was unable to provide the access or information he had promised. He also disclosed that the photograph—instead of having been taken in Laos as he previously indicated—may actually been taken in Burma or Thailand. Despite this setback, we continue to apply all our available resources to locating the individual pictured in the photograph.

USG Commitment

The Department of Defense is firmly committed to achieving the fullest possible accounting for missing Americans from all our nation's wars. You would be hard pressed to find a group of individuals more dedicated to the task of resolving the fates of our POW/MIA's than those who currently work on this issue. They work long and hard, often in primitive field conditions, to learn the facts about our missing in action. It is thankless work, but work that our teams enthusiastically undertake. You will have an opportunity to talk to three of these individuals later in the hearing. I am sure you will discover first hand why we are so proud of the people that work this issue.

In a few minutes General Christmas will outline one of the newest signs of our commitment to this issue—the establishment of a Joint Task Force in our Pacific Command, to focus and expand our field investigations. Given the opportunities provided by the Indochinese governments, the task force will bring a new intensity to our operations. We now have the staff and expertise available to move forward as quickly as the Indochinese governments will allow. The ball is in their court.

Thank you, Mr. Chairman.

Mr. Ford. You have been very patient while my colleagues from the administration read their statements. It has been a long day and I think that I will not do that to you or to any of those who may be listening.

I would like to comment about the issue of manpower. And why all of a sudden have we increased the size and character of our effort? And at least try to put some perspective on it from where I sit since I was one of those who was recommending some of the changes, both organizationally and in manpower.

I think that it is important for you to understand and recognize how difficult it's been all these years for my predecessors to get cooperation from the Vietnamese, the Lao, and the Cambodians. General Vessey and others have done an outstanding service for our country, but one which has been frustrating and difficult to say the least.

Because of the lack of cooperation and because of the, the best way I can describe it, the political manipulation of this issue by Vietnam, and to a certain extent Laos, there was a limit to what we could do beyond looking at the intelligence and, when they would allow us, sending a few people in, our specialists, to operate on the ground.

In the last year and a half things have begun to change. A good part of the credit has to go to General Vessey and his persistence in pushing the Vietnamese. Others of us have also been pushing equally hard, we hope, on the Lao. So that is has begun to pay off a little bit. It also is quite clear to the Vietnamese and the Lao that they want something from us. So it has been in their interest to be more cooperative.

But the first instance that I know of in which the issue of manpower, for example, came up was in the period of February-March of this year. It was in a discussion and the Secretary agreed in principle, that yes, we did need to reorganize; yes we do need to increase our capabilities in anticipation of opening an office in Hanoi and to take advantage of what appeared to be real cooperative efforts on the part of the Vietnamese.

So I just point out it happened before Colonel Peck was reassigned. The Secretary was aware of Colonel Peck's concerns and his charges. And it was certainly well before all of the attention that was paid this past summer to the photographs. And, in fact, the outline of those proposals back in February–March, and I don't remember the exact date, really haven't changed all that much.

So the other question that was asked was: Is this a new issue? That's why the Secretary, for example, was asked, is it something that he did after many of these issues were becoming more public. The fact is that he authorized an aircraft and a team to go into

Vietnam in the fall of 1990, again long before these issues were as public as they've become.

So his charter to me has always been err on the side of if there's any chance at all that there might be an American alive, don't spare any resources, don't hesitate, let's go do it. So this is not something that is new or different about his approach.

And every time I've asked him for resources or asked him for his personal intervention, he has always said yes. So I just wanted to indicate that these issues have been something that are not just new views of his or views of the Defense Department.

I would also like to just briefly comment on the composition of this panel. Clearly there is a past to this issue, but there is also a future. And I am more representing the past, but hopefully transitioning into the future.

And my colleagues from the JCS, General Ryan, and from CINCPAC, General Christmas, are the future, at least in terms of the implementation of this issue. And one that I think that if you put together with the point man in the Pentagon, the Deputy Assistant Secretary of Defense for POW/MIA Affairs that the Secretary has agreed to, and if you then consider the military aspect of this and implementing it out in the field, representing by General Ryan and General Christmas and tomorrow some of our most important assets, the people who actually work out in the field, I think that you will see, we hope to be able to tell you not just about all the things that we've done wrong, and clearly as the Secretary said, as you noted, for anybody from the administration, this one or any past administration, to get up and say that we've done everything right on POW/MIA over this almost 19 years, one is just flat wrong and there is absolutely no way we can walk away from the problems that we've had.

We've done a lot of good things. We've had a lot of dedicated people working this issue from the beginning, but we have made errors. We have not always done it the way we wanted to. And I can't speak for my predecessors, but I can speak for myself and my tenure of the past 2-1/2 years, we haven't always done everything like we would want to. But we're trying to improve.

And I have hopes that, one, we didn't lose our credibility with you, with the families, with the American people overnight. And we're not going to gain that credibility back overnight. And I can sit here and I can tell you about what we're going to do and I can talk about it. The only thing that is going to persuade people is our actions and our results. And to prove over time that we are serious, that we do mean what we say. And that despite occasional setbacks, despite occasional human errors, we are going to demonstrate over the next months, weeks, years that we can do it better than we have done it in the past. And that's our only commitment, to try. And if there are problems that this committee uncovers, we'll try to fix them.

I hope that you also when you find good things, particularly about the people in the field who, far from the limelight, far from the excitement of Washington, are on a daily basis out there slugging it out, oftentimes in very primitive conditions. And you've got three representatives of that large group and I think three good representatives. And I hope that your visits to the region, your discussions with these people, you can also say some good things about them.

It's hard to keep doing your job day after day when you hear nothing but coverup and how badly you do it. Despite all of that, every personal experience I've had with them makes me very proud that, one, they work for DOD, and two, that they're working on this problem.

Let me stop there and turn to my colleague, General Christmas, who does have some testimony that'll be an expansion of what the Secretary said about what CINCPAC will be doing in the future.

The CHAIRMAN. General, before you pick up, I would just like to say that I think your impromptu remarks are as forceful as any prepared or other remarks that I have heard, and my only regret is that more of the writing media who were here this morning for the Secretary are not also picking up on the essence of what you have just said, because I think it is terribly important, and the committee accepts the statement.

I think to be able to say, look, we have made some mistakes, there have been some problems, and to sit there and say, we have got a credibility problem is almost half the battle. The other half is obviously to resolve the question of how we got there and we are going to try to do that.

The second thing I want to say is, I could not agree with you more about the people in the field, and I have personally insisted that we bring some of them back. I know it is a pain in the rear end for them to come that distance and to leave what they are doing, but I happen to believe that they are heroes in the best sense of the word. I think that Americans need to know how many years people have been out there in the field in some mighty dangerous, sweaty circumstances, jumping on helicopters that most of us would hold our breath going near, and going out into the jungle and doing this.

I think it is an extraordinary story and that is why we are going to lead off with it tomorrow morning, because I want people to get the essence of this effort over the years. While there have been faults, while there were problems, while there may be information that should have been forthcoming that has not been and we do not know all the whys and wherefores of that, the fact remains that there have been some awfully good people out in the field working to get answers. I think people need to have a balanced view of this, so I appreciate that and your comments, and I think the committee accepts them as stated. General.

STATEMENT OF MAJ. GEN. GEORGE R. CHRISTMAS, DIRECTOR OF OPERATIONS (J-3), U.S. PACIFIC COMMAND

General CHRISTMAS. Senator Kerry, Senator Smith, Senator McCain, I welcome this opportunity to appear before your committee today. Like you, those of us on active duty today are deeply committed to finding the answers to the questions surrounding Americans unaccounted-for in Southeast Asia. We have a solemn obligation to our fallen comrades and to their families to resolve this vexing issue once and for all.

Having served as a commander in combat, and later as a project officer for the designation and entombment of the Vietnam unknown soldier, I have a particularly strong sense of obligation in this regard. Moreover, as the director of operations for the U.S. Pacific Command, I am responsible for directing the activities of the POW/MIA search teams. I would like to present to you the Pacific Command's views on the state of the POW/MIA issue.

Specifically, I will discuss the recent developments in the region and the initiatives the Command has undertaken to respond to them. Perhaps at no other time have the opportunities to dramatically expand and accelerate casualty resolution operations in the region been so great. We have established the POW/MIA Affairs Office in Hanoi, and the Vietnamese are affording the staff and our search teams good cooperation. The mission of the Hanoi office is to conduct in-country investigations of reported first-hand live sightings, to research historical and archival records, to conduct forensic review of remains jointly recovered or unilaterally made available by the Vietnamese, and to conduct advance planning and prepare and execute joint field operations.

During the most recent round of investigative activities, our teams were given increased access to Hanoi's wartime archives—an action which we have long urged the Vietnamese to undertake. We think the Vietnamese, however, can do more, particularly with regard to the disclosure of all relevant wartime documents, access to former cadre who were involved in the capture and detention of American prisoners, and turnover of remains recovered unilaterally.

Naturally, we will continue to pursue greater disclosure, access, and their unilateral efforts through the Hanoi office each time we conduct the technical meeting, similar to the one we conducted this past week.

In Cambodia, the Phnom Penh authorities last month permitted for the first time an American survey team to investigate the circumstances of loss involving missing American servicemen and news correspondents. This followed closely their assistance to our investigators who traveled to Cambodia to follow up widely publicized photographs identified by family members as Americans unaccounted-for in Southeast Asia. While it is too early to tell whether the Cambodians will sustain a cooperative relationship on POW/MIA's, we were satisfied with these initial efforts and are prepared to follow up on their future breakthroughs.

In Laos, we are hopeful the authorities there will follow through on their agreement to engage in a year-round effort to investigate cases of Americans who were known to have been held captive by Pathet Lao forces and to recover the remains of those killed in action. We were pleased to learn last month that the Lao Government has made additional people available to work with our joint teams. The Lao had previously cited a lack of personnel as a reason for the modest level of field activities which they had permitted over the last several months.

The Pacific Command, in conjunction with the Joint Chiefs of Staff and the Department of Defense, has moved quickly to capitalize on the favorable climate of cooperation in Vietnam. We plan to execute a comprehensive casualty resolution campaign on a scale which the Department of Defense has wanted to carry out since the signing of the Paris Accords in 1973, but could not because of Vietnam's intransigence. To execute this plan, we are fielding additional search teams and putting in place other necessary resources.

Our plan is focused on investigative activities to determine whether unaccounted-for Americans are alive. Using the staff of our Hanoi POW/MIA Office, soon to be a detachment of the joint task force organization I will describe shortly, and mobile field teams, we will follow up aggressively on reports of Americans alleged to be alive in Vietnam and investigate discrepancy cases, those compelling loss incidents which suggest a missing American was captured, but the Vietnamese have returned neither the person nor his remains.

We have singled out these cases for priority investigation because if there are Americans alive, they are most likely associated with these losses. To execute this priority investigative activity, we will expand the staff of our Hanoi office and task the staff to carry out full-time investigation of these cases. If we can resolve these cases, we will have done much to shed light on the live prisoner issue.

We see opportunities to recover concurrently the remains of the known war dead. For example, as our search teams investigate the cases of MIA's who were last known alive, they will attempt to resolve other losses in geographic proximity to these cases. In general though, we view the recovery effort as a long-term process which would begin only after we have resolved the live prisoner issue.

Now that the Cambodians are cooperating, and in anticipation that the Lao will increase their cooperation, our staff is developing plans for POW/MIA operations for those countries as well. As with Vietnam, we will give priority to those activities which will shed light on the issue of living Americans. As part of this effort, we hope to soon establish POW/MIA detachments in both Phnom Penh and Vientiane.

The Pacific Command will execute the operations specified in these plans by employing a two-tiered concept. First, a joint task force, or a JTF, will be established which will integrate POW/MIA operations and support functions under a single commander, a brigadier general. This officer will have responsibility for the entire mission of searching for MIA's and recovering the remains of war dead in Southeast Asia, a mission for which heretofore a number of agencies have shared responsibility.

Second, the Joint Task Force Commander will report directly to the Commander-in-Chief of the Pacific Command who, in turn, will respond to taskings from the Secretary of Defense through the Chairman of the Joint Chiefs of Staff.

I would like to elaborate for a minute on how this two-tiered concept with its unity of command will work. As POW/MIA policy is formulated here in Washington, the Joint Chiefs of Staff will communicate guidance and operational taskings to the Joint Task Force commander via the Commander-in-Chief of the Pacific Command. The theater commander and the theater command will then make available to the Joint Task Force the necessary resources and expertise available within the Pacific Command headquarters and the theater's service components to execute these operations.

For example, if the Joint Task Force commander needs helicopters to ferry his search teams to remote locations, aviation units will be tasked to provide this support. Now, Senators, in this particular example I must point out that the Southeast Asian governments will have to agree to the employment of these assets in their countries. In planning and executing the operations, the Joint Task Force commander will direct the activities of the POW/MIA detachment based in Hanoi, as well as the other detachments when approved.

So as you can see, by establishing the Joint Task Force and employing our command and control concept, we will have forged a direct line of authority which will run from Washington all the way down to detachment commanders in the field, giving them the necessary assets that they need to accomplish their mission. The Pacific Command headquarters staff and the subordinate service components are currently looking at additional ways to improve logistics and communications support to the search teams and the Hanoi detachment. These were areas over which congressional observers recently expressed concern and, I might say, rightfully so.

We have procured or are in the process of procuring equipment ranging from ponchos to sophisticated radio communications gear. We have looked at ways to provide sustained, cost-effective vehicle operations and maintenance for the search teams and will soon initiate procurement actions, which will alleviate shortfalls in this area. Meanwhile, the staff of the U.S. Army Pacific Command has prepared a concept of operations for providing helicopter support to the JTF teams, should the Southeast Asian governments allow their use.

The JTF will not be a paper organization. On July 30, the Secretary of Defense authorized a substantial increase in personnel who will come under the Joint Task Force. The Joint Casualty Resolution Center, whose personnel will form the operations nucleus, will double to 76. These increases are earmarked for the actual search effort on the ground. Highly-skilled linguists and analysts are being assigned so that we can put more teams on the ground for longer periods of time. We will ensure the work of these teams is made known to the families and to the American public. To the extent possible, we will give the media every opportunity to cover our activities, and in keeping with our longstanding practice, we will notify expeditiously the families on the results of our investigations and recovery operations through the established Service Casualty Affairs channel.

We have nothing to hide. To the contrary, we are most anxious to tell the American public of the dedication of our people in the hard, often dangerous work that they perform, and that you have alluded to, sir. The Pacific Command is moving quickly to put the right organization, people and resources in place to expand and accelerate POW/MIA operations in Southeast Asia. Our outline plan has been approved by the Chairman of the Joint Chiefs of Staff. We are currently developing a detailed operations plan which will be submitted through the Chairman to the Secretary of Defense for final approval. Once approved, the Chairman will direct that we execute the plan.

Given the favorable climate of cooperation in Southeast Asia, I am confident we will make substantial progress in the weeks and months ahead. I look forward to the committee's visit to our field locations so that you, again, can see first-hand the results of our efforts to illuminate the live prisoner issue and move deliberately toward achieving the fullest possible accounting of all missing Americans. Thank you, sir.

[The prepared statement of Major General Christmas follows:]

Prepared Statement of Maj. Gen. George R. Christmas

Senator Kerry, Senator Smith, and distinguished members, I welcome this opportunity to appear before your committee. Like you, those of us on active duty today are deeply committed to finding the answers to the questions surrounding Americans unaccounted for in Southeast Asia. We have a solemn obligation to our fallen comrades and their families to resolve this vexing issue once and for all.

Having served as a commander in combat and later as the project officer for the designation and entombment of the Vietnam unknown soldier, I have a particularly strong sense of obligation in this regard. Moreover, as the director of operations for the U.S. Pacific Command, I am responsible for directing the activities of the Command's POW/MIA search teams.

I would like to present to you the Pacific Command's views on the state of the POW/MIA issue. Specifically, I'll discuss the recent developnents in the region and the initiatives which the Command has undertaken in response to them.

Perhaps at no other time have the opportunities to dramatically expand and accelerate casualty resolution operations in the region been so great. We have established a POW/MIA Affairs Office in Hanoi and the Vietnamese are affording its staff and our search teams good cooperation. The mission of the Hanoi office is to conduct in-country investigations of reported first-hand live sightings, to research historical and archival records, conduct forensic review of remains jointly recovered or unilaterally made available by the Vietnamese, and to conduct advance planning and prepare and execute joint field operations. During the most recent round of investigative activities, our teams were given increased access to Hanoi's wartime archives—an action which we have long urged the Vietnamese to undertake.

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In Cambodia, the Phnom Penh authorities last month permitted, for the first time, an American survey team to investigate the circumstances of loss involving missing American servicemen and news correspondents. This followed closely their assistance to our investigators who traveled to Cambodia to follow-up widely publicized photographs identified by family members as Americans unaccounted for in Southeast Asia. While it is too early to tell whether the Cambodians will sustain a cooperative relationship on POW/MIA, we were satisfied with these initial efforts and are prepared to follow-up on future breakthroughs.

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The Pacific Command, in conjunction with the Joint Staff and the Department of Defense, has moved quickly to capitalize on this favorable climate of cooperation, in Vietnam. We plan to execute a comprehensive casualty resolution campaign on a scale which the Department of Defense has wanted to carry out since the signing of the Paris Accords in 1973, but couldn't because of Vietnam's intransigence. To execute this plan, we are fielding additional search teams and putting in place other necessary resources.

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Second, the JTF commander will report directly to the commander in chief of the Pacific Command who, in turn, will respond to tasking from the Secretary of Defense through the Chairman of the Joint Chiefs of Staff.

I'd like to elaborate for a moment on how this two-tiered concept with its unity of command will work. As POW/MIA policy is formulated here in Washington, the joint staff will communicate guidance and operational tasking to the JTF commander, via the commander-in-chief of the Pacific Command. The theater command will make available to the JTF the necessary resources and expertise available within the Pacific Command headquarters and the theater service components to execute these operations.

For example, if the JTF commander needs helicopters to ferry his search teams to remote locations, aviation units will be tasked to provide this support. In this particular example, however, I must point out that the Southeast Asian governments will have to agree to the employment of these assets in their countries.

In planning and executing the operations, the JTF commander will direct the activities of the POW/MIA detachment based in Hanoi as well as the other detachments when approved. So, as you can see, by establishing the JTF and employing our command and control concept, we will have forged a direct line of authority which will run from Washington all the way down to the detachment commanders in the field.

The Pacific Command headquarters staff and the subordinate service components are currently looking at additional ways to improve logistics and communications support to the search teams and the Hanoi detachment. These were areas over which congressional observers recently expressed concern. We have procured or are in the process of procuring equipment ranging from ponchos to sophisticated radio communications gear. We have looked at ways to provide sustained, cost-effective vehicle operations and maintenance for the search teams and will soon initiate procurement actions which will alleviate shortfalls in this area. Meanwhile, the staff of the U.S. Arny Pacific Command has prepared a concept of operations for providing helicopter support to the JTF teams.

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We will ensure the work of these teams is made known to the families and to the American public. To the extent possible, we will give the media every opportunity to cover our activities and, in keeping with our longstanding practice, we will notify expeditiously the families on the results of our investigations and recovery operations through the established service casualty affairs channel. We have nothing to hide; to the contrary, we are most anxious to tell the American public of the dedication of our people and the hard, often dangerous work which they perform.

The Pacific Command is moving quickly to put the right organization, people, and resources in place to expand and accelerate POW/MIA operations in Southeast Asia. Our outline plan has been submitted and approved by the Chairman of the Joint Chiefs of Staff. We are currently developing a detailed operations plan which will be submitted through the Chairman to the Secretary of Defense for final approval. Once approved, the Chairman will direct that we execute the plan.

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The CHAIRMAN. Thank you very much, General. General Ryan, do you have a statement?

STATEMENT OF MAJ. GEN. MICHAEL E. RYAN, VICE DIRECTOR, STRATEGIC PLANS AND POLICY (J-5), THE JOINT STAFF

General RYAN. I do not have a prepared statement, Senator. I stand ready to answer questions.

The CHAIRMAN. Thank you very much. Let me begin the questioning, Mr. Secretary, by asking you when was your first official involvement with the POW/MIA issue.

Mr. FORD. It was 1987 or 1988, and I do not recall the exact date. I was serving as the National Intelligence Officer for East Asia and was asked to do an estimate on the POW/MIA issue. Prior to that time I had, as an interested student of the region—as a former serviceman generally interested in the issue, but had no formal responsibilities—after the estimate, I did not have another occasion to work on the issue until I came to the Defense Department in March of 1989.

The CHAIRMAN. What did your 1987 estimate require you to do?

Mr. FORD. It was to look at the questions on whether or not—to check on whether the intelligence community was looking at all the right issues and to make a best judgment as to the question of whether there were any Americans alive in Southeast Asia.

The CHAIRMAN. Whom did you do that for?

Mr. FORD. I did that for the Director of Central Intelligence.

The CHAIRMAN. What conclusions did you come to?

Mr. FORD. I would have to refresh my memory on the actual findings. My recollection was that we could not make a judgment based on the evidence that we had available.

The CHAIRMAN. Was that a formal report submitted to the DCI?

Mr. FORD. Yes, sir. I am sure that it is available.

The CHAIRMAN. Would that report be at CIA?

Mr. FORD. It would be. I think it was at the secret level, but I am not sure.

[Requested classified material was provided to the committee.]

The CHAIRMAN. Well, we will request that, obviously. Apart from the assessment about the flow of intelligence, what conclusion did you draw with respect to the probability of live Americans being in Southeast Asia?

Mr. FORD. In that intelligence estimate?

The CHAIRMAN. At that time.

Mr. **Ford**. I think that, as I recall and again, I would have to refresh my memory, a lot has happened since then on this issue. I think that we determined that there was not enough information to make a firm judgment that there was somebody alive. There was clearly no evidence that there—we could not demonstrate that there were not. In fact, it was very similar in terms of our findings to what has become the standard position of the U.S. Government.

The **Chairman**. Was there any evidence that you recall that distinctly suggested to you that somebody was alive?

Mr. **Ford**. No evidence at that time. In fact, I think that subsequent to that estimate, there has been far better—far more detailed work done by others than was available at the time in 1987, 1988, when I did that estimate.

The **Chairman**. Did you have any difficulties with any agency in securing answers to inquiries that you made?

Mr. **Ford**. None that I recall.

The **Chairman**. Did you come across any evidence of any kind whatsoever leading you to believe that, for any period of time, there might have been a so-called cover-up or effort to avoid evidence?

Mr. **Ford**. None that I looked at personally. Most of my effort was managing the process of the intelligence community in looking into this issue, and we were focusing more on contemporary, current practices in intelligence and questions. The estimate was not focused and did not cover, as I remember in any detail at all, what happened in the period, say, 1970 to 1975 timeframe.

The **Chairman**. Well, you are now really the principal point person on this. Is that fair to say?

Mr. **Ford**. I think it would be fair to say that I have been the Secretary's representative on this issue. I have other responsibilities. This is not my only job.

The **Chairman**. I understand.

Mr. **Ford**. I am more of the person who if I can identify problems, if I can be of assistance to either a Government agency and/or a family, or an interested person, I try to put them in touch with the right people, or try to solve the problems if they come up.

The **Chairman**. Well, as a former service-person yourself, and flanked by distinguished generals and recognizing as well as anybody in this country what is at stake here, there are not any of us who does not find our skin crawling at the notion that somebody might have tubed some information or cast it aside, or somehow found other imperatives that were more important than pursuing this. Is there anything that you have come across? I mean, this thing lives, we all know it lives. You have said we have a credibility problem. What is it that allows this to live? Have you come across anything that suggests to you that at some point in time someone might have paid less than the attention that was due, or is this just something that has come out of whole cloth?

Mr. **Ford**. I certainly, Mr. Chairman, do not have any evidence that anyone knowingly, for example, made decisions or did things knowing that there were Americans alive in Laos, Cambodia, and Vietnam. Even if there were, I do not see any evidence of that, but I think that those are the sorts of questions that you really have to ask the people that were responsible for our Government policies in those days—what was in their mind, what they knew at the time?

In retrospect, I have to admit to you that if I had been there, I hope—I do not know how I would have reacted, because I know a lot more now than I probably would have known in those periods of time—I hope that I would have been a little bit more firm on pressing the governments, particularly Laos, about their holding of Americans and holding them to account for it. It is easy for me, 19 years after the fact or 10 years after the fact—whatever, and the perspective of 1991 to make that—and I do not know if even I, as strongly as I feel about this issue, would have acted differently if I had been responsible at the time. It does seem to me that there could have been more done.

The CHAIRMAN. This committee has, through individuals, often met with Ross Perot. I have had occasion to meet with him. I know my vice chair has, others have. Here is a man who invested considerable money, time, energy, effort, and finally threw his hands up with a sense of disgust, whose motives are just unquestionable with respect to this issue. Looking back at that now, as you undoubtedly have had to, have you talked to him? Has any current generation of policymakers on this issue met with those sort of people to really debrief and to get a sense of where they are coming from in this, or has that been too much a part of the past to deal with?

Mr. FORD. I personally have not talked to Mr. Perot. I have tried to talk to people who have worked this issue over the years, long before I was involved in it, to sort of get their sense of history, their sense of what happened and why, at least in part so that I did not have to reinvent the wheel, as a new kid on the block. And—but that only goes back, quite frankly, to the early to mid-80's, in which a new group of people who took it, quite frankly, more seriously and were—at least the ones I have talked to—I am confident tried to do better than they thought people in the past had done. They are clearly not in exhaustive discussion with all of the people who have done this problem before me.

The CHAIRMAN. Have you ever in the course of your tenure in this job previously heard of any documents being destroyed?

Mr. FORD. No. No. If I did, I would have been very, very angry and upset, and would have done something about it. That is not to say that documents haven't been destroyed. It just simply has not come to my attention.

The CHAIRMAN. Well, that was my question.

Mr. FORD. Yes, sir.

The CHAIRMAN. Have you—well, I will strike that. Let me turn to colleagues so that we can keep the round going and be fair. Senator Smith.

Senator SMITH. Mr. Ford, the interagency group some time in 1989, January, I think, put out a report saying that there was an agreement reached with Laos, that they would provide access to wartime records and so forth on Americans who not only were under the alleged Pathet Lao control, but also under the control of North Vietnamese in Laos—any records that they had, either dead or alive. Have they lived up to that? Give me one line or two. Where are we on that? Have they responded to that in a positive way?

Mr. Ford. I think that there has been some progress in Laos—Laotian cooperation on POW/MIA. There are a number of firsts that we can point to within the past year or so, of finally getting into areas, some of the cave areas for example, where we knew that Americans were being held prisoner at one time. These areas had been denied to us for many years. We also have seen cases where, although we wanted to do it ourselves, before we could get down to Savannakhet, the Laotians had found the man who was in the purported Borah photograph, for example. But if you ask me, am I satisfied, are they doing all they can do, the answer is absolutely no, they are not and that there are a lot of things that we would like them to do for us that they are not doing.

Now, part of it is because there is a big difference between Laos and Vietnam. In Vietnam, as best we can tell, they were great recordkeepers and every scrap of paper having to do with Americans, there is a long record of this keeping things.

In Laos, these were guerrillas operating in an area being bombed regularly by the United States. They were not in control of the whole country. They did not apparently keep records quite as well as the Vietnamese. They often had a practice, unlike the Vietnamese, that if they found an American, they more frequently killed him than not, and that you had to be very lucky to be one of those who was captured and did not die immediately. Subsequently, as they have taken power, trying to go back and get into these issues, they quite frankly consider it a matter of national security. It is like trying to pull teeth to get them to 'fess up to some of these things. I am not sure that we will ever get them to be able to convince us in the same sort of detail that the Vietnamese may be able to, because they do not have the sort of records that we would like to see in the absence of other information.

We are not going to trust what the Vietnamese or Laotians say 100 percent, but it certainly helps if we have their journal of the day of an incident and they say that this particular American was captured, was shot by local militia 30 minutes after his capture and we think his remains are located so-and-so. That certainly is more information than maybe we had at the time of loss. In the case of Laos, all we have got basically are anecdotal memories of villagers to put together with our investigations.

One of the differences though, also in Laos, is because of its more rugged terrain and because of fewer people. When we actually visit crash sites, for example, we often find things that have been there since 1971 or 1968. That is not really the case in Vietnam. Often, we do not find anything. So there are pluses and minuses and I think that the Lao are trying to do better, but they have a long way to go yet.

Senator Smith. In all my interactions with you since I have been in the Senate, and since you have been in your position, we have had some differences, but you have always, as far as I know, been totally candid with me. I hate to ask this kind of a high, inside fast ball here, and I realize you would probably not be the one to make such a decision, but supposing somebody were to turn up who was a deserter by the military definition of the word today. What would be your recommendation in terms of that individual? Would you recommend prosecuting that individual as a deserter? The reason I am asking the question is if there is such a person out there, maybe we can send a message through these hearings; but I would be curious to know your recommendation and I realize it would not be probably your final decision to make.

Mr. FORD. Obviously, that decision would have to be a function of the secretary of the service that the individual came from and also, probably eventually the Secretary and the President of the United States. I mean, we've had various forms of amnesty over time. My sense of it is that I hope there's no one out there who's been living in Southeast Asia for fear that if they came back they somehow would be seriously punished.

Obviously, we would have to go through the official procedures as such actions and such persons would normally be done, but the fact is that if we knew that a person had been for 20 years hiding from us in very primitive conditions for fear that he somehow would have to go to the stockade for 6 years, I hope that's not the case. I hope they know to come home.

Senator SMITH. One quick final question. My time is running out here. In the meeting that we had with several Senators, you made a statement regarding Garwood's recanting testimony. You later sent me back a full letter of apology for that and I accept that and do not bring it up to make an issue of it, just simply this question. What brought you to that conclusion at the time you made the statement? Was it a specific individual who made that statement to you within the agency, or was it just something you received by osmosis, or what was your reason for feeling that way? Obviously you felt that way when you said it.

Mr. FORD. Senator, as you know, I clearly know better than to talk about this issue with you. You probably know more about this particular incident than anyone that I know of. You were there during some of the interviews, and I learned my lesson. I misspoke. I clearly had received both by osmosis and by various briefings from different individuals a different impression.

When I realized that I had not only misled you, but I had misled other members who heard my presentation, not only did I write to you, but I thought it was important to write to your colleagues as well, because I don't want anything—I'm in a position, as Senator Kerry said, I'm sort of a spokesman, and what I say, right or wrong, may have more influence than it really should have. And—but in this case, what we've done is that the Secretary, who was there also, has asked that this be fully investigated and sort of redone, and have analysts who are very capable but who have been working different problems, go in and look at it afresh and see what the cases are. I'm going to reserve my judgment until they've completed their studies and when they give me their briefing, I'm going to ask them a lot more—a lot harder questions this next time.

Senator SMITH. Just a final point. You did not have to go into further explanation. I accepted that. I think that the difference, and just to point out for the record, is there is a difference between not believing Garwood—which I know many in the agency, maybe all in the agency, do not, and I understand that. It is just that the issue of recanting where Garwood himself said he recanted what he said was the issue that I wanted to clarify. That is all.

The **Chairman**. Mr. Secretary, if I could just remind you also that the committee would like as soon as possible the raw Garwood initial debriefing data and the records with respect to that, because that will be one of the initial areas of inquiry.

Mr. **Ford**. I will pass that request on. The only sensitivity I know, and it may not really be a real one, is that my understanding is that there are agreements between DIA, for example, and Garwood's lawyer about privileged information, et cetera. I don't think in this case it will—it will be an issue, but I think that it would be something that obviously may be asked that it be kept between the members and the staff of the committee as opposed to something that would be public.

The **Chairman**. I understand. Whatever ultimately is public will hopefully come from Mr. Garwood's lips himself, but in terms of the background and understanding of it, the committee needs to review that. Senator Grassley.

Senator **Grassley**. Thank you, Mr. Chairman. Secretary Cheney referred to 102 personnel who have been added to help resolve the issue. I would like to know if you could provide this committee with a list of who these people are and what their functions are, and could you tell us now how many of these 102 are devoted strictly to looking for possible live prisoners.

Mr. **Ford**. I know generally the number of people who are out in the field and their primary function is live—the live prisoner issue. Now——

Senator **Grassley**. How many of the 102 would fall into that category?

Mr. **Ford**. My sense is that it's the 88 that we're talking about are—some of them are not in Hawaii, or in Southeast Asia. They may be here in Washington say, for example, at DIA, but all of those people are focused on increasing the real—instead of paper-pushers like me—people who are actually enmeshed in the details on a day-to-day basis. General Christmas may have more details about what CINCPAC is doing.

Senator **Grassley**. Let me be very clear. I am talking about those who are going after live-sighting reports, whether it is live prisoners, as opposed to those who are trying to find bones or get confirmation.

Mr. **Ford**. Yes, sir. I understand.

Senator **Grassley**. OK.

General **Christmas**. First of all, of the 76 that we have as part of the Joint Resolution Center, the JCRC in Hawaii, all of them are devoted to the entire POW/MIA issue. When we put the joint task force together, we will have a minimum of five search teams and two teams which you, I think, referred to as the guys who look for bones. But five of the teams will follow up on live sighting reports and discrepancy cases which are most likely to lead to living Americans. That's the way we are operating. So you can see how that breaks down.

Five search teams and two recovery teams will go in for 30 days at a time. They will come back out. They will work their reports and findings, and then other teams will go back in. So we hope that we're going to have this continuing effort to resolve this very important issue.

Mr. **Ford**. Senator Grassley, if I could just add one—one comment. I understand your concerns and—about looking for bones, and I hear that quite frequently, and I know that there is a sense that that's all we're doing. I think that it's unfair to our people in the field to suggest that their primary focus is on remains recovery. We go where the facts lead us as we identify each case and try to follow it through for the fullest possible accounting. If the facts lead us to the notion that we can either recover the remains or that we think the Vietnamese or Laotians have those remains, we think it's important as our accounting to the families that we can give them that information. I haven't talked to every family member, of course, but I've talked to a lot over the past 2-1/2 years, and I get the sense, every one of them would like to have—even in their heart they may know that their son or their husband or whoever is dead, but they want them to be alive.

They want them to walk out of the jungle and come home, but they will tell you very quickly that if that can't be the case, please end the uncertainty for me. Give me something so that I can put this to rest, I've been with it so long. Well, one, it tears your heart out that these people have had to go through this all these years. But second, if we can give them something that answers those questions, maybe it helps end their uncertainty. For others, it causes new problems, whether this is enough, whether there is sufficient evidence, and on and on. This shouldn't be against your time, but I thought it's important that we say that, that our purpose isn't really for just going after bones.

Senator **Grassley**. Well, it is OK that you have said it now, or it is OK that you say it any time. Understand my question. I wanted just some statistics on the number of the 102 who are in one category and the others who are in another category.

Mr. **Ford**. It is 38 in Hawaii, and those people will be 18 at CIL–HI, 18 at DIA and 9 at Stony Beach.

Senator **Grassley**. Well, I did not know you would have those numbers. What I would like to have is a list of whatever, 102, and where they are assigned, and what their job is.

Mr. **Ford**. We can do that for you.

[The information referred to follows:]

DIA Special Office For Prisoners of War and Missing in Action

PLUS-UP ASSIGNMENTS (ALL POSITIONS LOCATED AT DIA, WASHINGTON, DC.)

Division Headquarters

Administrative assistant—Hiring in progress

External Relations Branch

Intelligence officer (3 positions)—Hiring in progress

Analysis Branch

Intelligence officer—Hiring in progress
Intelligence officer—Mr. Paul Mather
Intelligence officer—Lt. Paul Maguire, USN
Intelligence specialist—Petty Officer Steve McCabe, USN
Intelligence technician—Hiring in progress

Data Base Management Branch

Computer programmer—Nominations from Army being reviewed
Intelligence technician—Ms. Benita Wood
Intelligence technician—Ms. Carol Stewart

Intelligence technician—Hiring in progress

Current Operations Branch

Intelligence officer—Cpt. Tami Turner, USAF
Intelligence officer—Maj. Jeannie Schiff, USAF
Intelligence officer—Cpt. Sandra Caughlin, USA
Intelligence officer—Hiring in progress
Secretary—Hiring in progress
Intelligence technician—Hiring in progress

STONY BEACH (ALL POSITIONS IN THAILAND UNLESS INDICATED)

Intelligence officer—hiring in progress
Intelligence officer—hiring in progress
Intelligence officer—Hiring in progress
Intelligence specialist—Sfc. John Bankwill, USN
Intelligence officer *—Cpt. Randall Mastromonoco, USAF
Intelligence officer—Maj. Charles Robertson, USAF
Intelligence officer—Requisitions in progress
Intelligence officer—Requisitions in progress
Intelligence officer—Requisitions in progress
* Individual located at DIA, DAM-2 in Washington, DC.

POW-MIA TASK FORCE (ALL POSITIONS IN WASHINGTON, DC)

DIA Element

Supervisory intelligence officer—Harold E. Sprague
Administrative assistant—John Emery
Secretary—Jane Osborne
Intelligence officer—Barbara Banks
Intelligence officer—Cpt. Alex Odren, USAF
Intelligence technician—Ray Craib
ADP specialist—Paul Nanko
Intelligence specialist—Petty Officer Paul Dicenzo, USN

Reservist Support Element (USAF)

Commander (2 positions)—Reports 1 Mar. 91
Secretary—Reports 1 Mar. 91
Team chief (3 positions)—Reports 1 Mar. 91
Intelligence officers (7 positions)—Reports 1 Mar. 91

Senator GRASSLEY. I have some more questions, but I will wait for another round if you want me to.

The CHAIRMAN. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. Mr. Ford, you heard my request on behalf of Mr. Earl Bond. I will be glad to provide you that information. I guess Mr. Quinn was not the appropriate one to ask that.

Mr. FORD. No, sir. We were really the more appropriate and we are—I've asked my staff to contact your staff to get more details, and we will have a written answer to you to the best of our knowledge of the case, tomorrow or the next day.

Senator MCCAIN. Thank you very much. You said earlier, Mr. Ford, that things were done wrong or not as well as they should have been, and mistakes were made, basically is what you have told this committee. I am curious what your view is of why those things happened. Was it because of bureaucratic ineptitude? Was it because of, as Colonel Peck alleges, mindset to debunk, or what in your view was the reason that some mistakes were made and the job was not done in the best fashion?

Mr. FORD. I have obviously thought about that a lot, and tried in my own mind to try to sort out what some of the problems were. I don't profess to have the full and final answer, and just give you my snapshot view of just a few years working the issue. I think that it's a very complex analytical problem, one of the most difficult I've ever been involved with, and with a high learning curve.

The CHAIRMAN. Pull the mike just a tiny bit closer.

Mr. FORD. The learning curve is very high, and in which you as human beings—mistakes are going to happen. They're not intentional. They're more simply that we are working with limited knowledge, fragments of information, also we're dealing with volatile emotional issues. I mean, if—and I've told this to several families and they may believe me, or they may not—but if my father or my son was still in Southeast Asia, and I didn't have any answers, and I had not gotten my satisfaction from my casualty officer, I'd be upset too. So that there's a certain emotional nature, and I don't care how good our casualty officers are, some of them have been doing it for a number of years. They are not going to be 100 percent every minute.

Senator MCCAIN. You do not believe there was a mindset to debunk?

Mr. FORD. I think that there are people past, present, and the future, who probably for their own reasons will believe that they have the answer, and they will be there trying to suggest—to prove their answer, whether that answer is debunk us in the executive branch, or to debunk the issue in Southeast Asia. I have been an analyst most of my adult life and all of them are not as objective and perfect as you would like. They take their own personal views into it and they're going to try to make a point.

Senator MCCAIN. I do not want to belabor the issue, but would you characterize the mistakes that were made that you have acknowledged to this committee as bureaucratic bungling, mindset to debunk, or just as you have just described, the emotionalism surrounding the issue? I think it is important for us to understand what is your best view of why these mistakes were made.

Mr. FORD. I hope this doesn't sound too glib, because it's not intended to be. I think it's all of the above. I mean, I can't find—the only one that I can't find in my research, or my contact with people, is a purposeful, politically motivated or privately motivated cover-up. Every mistake that can be made by bureaucracies and human beings, has probably occurred in the last 19 years, and I can point to a few that I've made, errors in judgment, or whatever.

Senator MCCAIN. I would like to return to what the chairman was asking a little earlier of another witness, and I have to go back to Secretary of Defense Cheney's statement this morning. A photograph taken in Laos surfaced earlier this year that was identified by family members as Lieutenant Daniel V. Borah, U.S. Navy. In addition, a non-government forensic anthropologist positively identified the person in the photo as Lieutenant Borah. Then, with the help of Laotian officials, they find out it was a 77-year-old Laotian individual with some French blood.

Why would someone go to all that trouble to take a photograph like that and circulate it around, and have the family identify it? What I am worried about here now, Secretary Ford, is what we are doing to these families. What somebody is doing to them, not only to the American people, but you just put yourself in the situation earlier of the son or the father of someone who is listed as missing.

My God, how terrible is this, to subject a family to this. Why would they be doing something like this in your view?

Mr. FORD. For the life of me, I can't understand why people would do this. I mean, I've had the same sorts of questions that I've heard you and Senator Kerry, and I know Senator Smith and I have talked about. I don't see a lot of money changing hands.

I mean, there is some pocket-change money passing hands in Southeast Asia, between Laotian and Cambodian and Thai people who bring in a few bits of information. There is also some money raised here and there, but it's all really sort of small change. This is not a financial issue that I can tell. I mean, it's a local official in Cambodia selling information to possible refugees for a couple of bucks and thinks that he—telling these people if you have this bone, or if you have this belt buckle, if you have this picture, you're going to get to the United States when you get to the refugee camp, and I'll give it to you for $1. But the only problem is, he's got a thousand of them. He only makes 1,000 bucks, but it's still small change. I don't know, other than those people who simply are trying to manipulate U.S. policy, try to throw us off the track.

There have been examples in the past that clearly the intelligence services in Southeast Asia were manufacturing stuff, and it goes up and down, and almost seemingly without the knowledge or active participation of the foreign ministry or other high officials in the government. But the dogtags that are manufactured and/or submitted to people here in the United States, all kinds of things that there is no really good answer for, I'm afraid that whatever the reasons are, what we put the families through is that they had their heart broken the day they got the news that their loved one was missing, and they have to go through this agony of having to live through it again.

There's nobody on my staff or anybody I know in the Pentagon who doesn't want these reports to be true. We don't want to have to tell another family that they've been jerked around by a scam artist. I mean, there's this one group that I know has touched at least two and probably three families and they're still doing it. Despite our passing on the word that there's something really fishy about this whole group, the same people are passing on information that one, related in one fashion or another to the Borah photograph, to the new Stevens photograph, and to information having to do with the Robertson, Stevens, and Lundy photograph.

Senator MCCAIN. Do you want to identify this group?

Mr. FORD. Well, I do not know their real names. I just know of them. They are people operating out of Southeast Asia, Laotians who claim to have information that they'll provide to us and they provide it to a number of Americans, private people interested in the subject, Government, like us. It's unclear whether they—the people receiving it, mostly Americans, accept at face value that it's probably—could be true. And how—where do you cut off? I mean, just because a guy is a known scam artist and he gives us a photograph, I don't immediately assume that it's bogus. I can't afford to, because it may be the one time that either he stumbled onto the truth, or for whatever reason, this time it's real. So each one of them has to be taken seriously and checked out with the hope that it might be true.

But when you find people who are clearly involved in this, the only thing we know to do is polygraph them, and if they pass the polygraph, take them very seriously. Unfortunately, every time we get a chance to get hold of one of these guys and put them on the polygraph, they blow it, and so we just keep pushing ahead hoping that one day we're going to find one of these people who has some real information. If we do, I'm confident there's—that it's not just rhetoric. If we find out the location of Captain Carr or anybody else, there is no doubt in my mind there won't be any foreign policy, there won't be any domestic political reasons. We'll go get him. If he can't get out, we'll go get him.

Senator McCAIN. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much. Senator Robb.

Senator ROBB. Thank you, Mr. Chairman. I had to go preside over the Senate and so I missed some of the intervening testimony this afternoon and the formal opening statements of Secretary Ford, General Ryan, and General Christmas. I hope you will forgive me for stating as a point of personal privilege that my own association with General Christmas goes back something in excess of 25 years, when he and I were company grade officers and served together. I have not had much contact with him since he was Medevaced from Hue after a very courageous and very heroic display of leadership, and he was recovering for quite some number of years, but I am very pleased with the prospect that we may have an opportunity to work directly with General Christmas, and I hope when we make the visit to Vietnam next year that he will be in country at the same time so that we might have an opportunity to visit some personally.

As an aside, I bring him greetings from Pat Mayer, someone he will remember going back 25-plus years from another Marine Corps association.

If I may, Mr. Chairman, I would like to ask one question that goes directly to the area that General Christmas is overseeing at this point, and that has to do with the ability to follow up on any contemporaneous reporting of live prisoners, what I guess in the civilian world would be viewed as a form of hot pursuit. General, would you say that given the configuration and the resources that are available to you at this time, that you have the capacity should someone have a contemporaneous live sighting, and not one that is reported and is very, very old, to follow up expeditiously to determine whether or not it is true and whatever else might be appropriate?

General CHRISTMAS. At present, Senator, we're putting in the mechanism that provides that, and we have talked already today about the need for the Vietnamese to be more forthcoming in allowing our Stony Beach operator—allowing our people free access so that they can rapidly respond in Vietnam. We have teams in Bangkok right now. We hope that as things progress in both Laos and Cambodia that we will be able to put detachments there that will be able to react immediately to those live sightings.

Now, will we be able and prepared to bring that American out? Well, I think that is the reason we need a good, solid, joint task force that can respond to policy that will come from the national command authority, from the Secretary of Defense and down through the Chairman to us.

Senator ROBB. Let me ask just one other question. You talk about the coordination between the two commands. One of the concerns that I have had with respect to the whole POW/MIA issue has been the number of different agencies that have some level of responsibility for follow-up in any of these areas, and I am curious. Either you or Secretary Ford might be able to respond to this question. The new assistant secretary for POW/MIA affairs, where will that individual fit within the chain of command? I think General Christmas described the chain of command on the military side, and I am curious how the responsibility of the new assistant secretary will play out with respect to the military assets that are available and/or other civilian agencies that may have an interest in this particular question.

Mr. FORD. Senator Robb, the way I would describe it is a very close partnership between the deputy assistant and the joint task force at CINCPAC. The deputy assistant for POW/MIA affairs will be the Secretary's personal representative on this issue, so that when the military comes through the normal chain of command from the CINC to the Chairman, they then come to the Secretary with recommendations. As we did in Desert Storm, or as we do on any sort of crisis situation, it is then up to the deputy assistants to brief the Secretary and give him advice and provide comments to the Chairman and to the military.

We're going to work this issue the way we work every other issue and that is a very close working relationship between the military, who are implementing, and the Secretary who has responsibility for overseeing the policy aspects to make sure it is done right.

Senator ROBB. With all due respect, Mr. Secretary, I must say when you say that you have a partnership rather than a command relationship, it concerns me a little bit. I am pleased, and I think one of the innovations that has been most helpful in Desert Storm, for instance, was the kind of clear command and control relationships that were in evidence. I am not suggesting a specific response or solution this time around, and indeed hope that kind of partnership would exist in all cases.

Mr. FORD. I wish that we had a perfect answer for you. I think that what General Christmas said was very true, and as the Carper Committee, and I'm sure this committee will find, there have been too many cooks in the stew. We are taking the military chain and we're putting in one cook, the JTF commander—and that one cook is reporting to the chairman and to the Secretary of Defense.

The DASD will be working for the Secretary of Defense, so there's going to be fewer cooks, more responsibility, and at least in terms of the Secretary, there'll be somebody he can turn around and say who's responsible for this. On his side is will be the DASD, whoever that should be. He will also be able to turn to the Chairman and say, why did we make a mistake, let's get it right. So the responsibility chain is much more limited now, and he can turn around and see who was responsible for good things or bad things, whichever they may be.

Senator ROBB. Mr. Chairman, I note that we have some number of cooks in our chain of responsibility, one of which is to report to the floor when a vote is on, and a vote has just begun. With that in mind, I will defer any additional questions. You may have something that you want to tie up at this point.

The CHAIRMAN. Thank you very much, Senator. What I am going do is I want to keep this going. Senator Smith has departed for the floor to try to vote rapidly and return, and then I will leave so that we can try not to have an interruption if possible. I know Senator Grassley had some more questions. I would like to——

Senator GRASSLEY. Should I go vote?

The CHAIRMAN. I think it would be good if you went to vote now and then came back as fast as possible. That way you can back up Senator Smith and we can continue the process. We do have one last panel after this.

With respect to the helicopter situation and the ability to go out on a fast response, live sighting capacity, is there a discussion with respect to Laos of having non-U.S.—identified—I mean, I could well imagine why some people would be apprehensive about United States colors flying in choppers in Vietnam. Is there a methodology to get a lease-back situation, private company to somehow deal with that?

General CHRISTMAS. Yes sir. Senator, you have—the preferred course of action is obviously good old U.S. birds with our pilots to put our folks in and put them out of harm's way. We would feel a lot more comfortable that way. Obviously, there are other courses of action that we have to fall back on to provide that capability. The second course of action is, of course, is leasing. Currently—both working with the Vietnamese, working with the Laotians and working with the Cambodians—recently, for Tang Island we went into leasing-type agreements. Of course, the third course of action is, as you've heard so much, that the Laotian helicopter that's now down, or the old Russian helicopter with the Vietnamese—sir, we go from the top and then we take the next course and the next course.

The CHAIRMAN. Well, I think the third course of action is not acceptable and I tried to make that clear when I was over there. Ambassador Lang is not here right now, but I know his representatives are. He will be back tomorrow morning, I know, to follow the proceedings, but I made clear to him and to the Vietnamese, on the record now, that this committee when it visits in February will look hard at whether they have fulfilled the promises that have been made.

To whatever degree the Vietnamese are looking for an improvement in the relationship, I know I can speak for every member of this committee that if that access is difficult, or if those promises are not being fulfilled, we are going to look with a big question mark at that. And I have personally had General Secretary Do Muoi, and prior to him, General Secretary Ling, and the Foreign Minister, and all the other members of their departments look me in the eye and say, you can go anywhere in the country and we want you to have access.

So I think the committee is going to look very hard at the follow through on that. General, if we can be helpful, obviously, in trying to leverage it, let us know.

What is the process now for a live sighting follow-up? Do you initiate immediately? Do you follow up actively? Does it have to go to Washington, or is this an instant kind of response?

General CHRISTMAS. Well, first of all, if obviously we can make an immediate follow-up, if in other words the information has come to us right there on scene and we can initially follow up, we obviously would. What we normally do is collect the information. We collect what we can. We get it back through the analyst channels, and we try to open up all information available to see what we have. Then, if we can make that instant contact, obviously we do.

The CHAIRMAN. But you do not have to go to Washington for any approvals on that anymore. Do I understand the chain of command now?

General CHRISTMAS. Our Hanoi office has the authority to follow-up on live sightings within Vietnam, and we would suspect that if we had the opportunity to put detachments in Vientiane and Phnom Penh, they would have a similar capability.

The CHAIRMAN. Mr. Secretary, over the years you read a lot of allegations on this issue. Whole books, movies and so forth. Some people assert that there are camps that are holding 50, 200 people or so. What is the possibility of that kind of camp existing based on all the intelligence and data that we have now?

Mr. FORD. This was discussed earlier in the afternoon and I think I generally agree with the characterization that I think Ken Quinn gave. That is, in Vietnam I find it very difficult to accept the fact that there is a camp that the Vietnamese don't know about. It could be, but I find it—maybe in the central highlands near the Lao/Cambodian border it's conceivable, but not very likely. In Laos and in Cambodia, I think that there are areas in which the government does not have good control. Once you get out of the cities, the transportation is just atrocious, so it's conceivable that there could be small camps. Particularly if they moved around a lot, and were a part of—in areas in which the government didn't have good control.

Do I have strong evidence? No, I don't have that. I have reports of a general nature that people have been seen in a camp, but with not enough specific detail to really do much with. When we do, we look for it, can't find it. If we knew a camp existed we would go in in various ways and try to find out who was there.

The CHAIRMAN. What would be the rationale, even in Laos, for a group that, let us say, was not in control of the government? I mean, it has been 19 years. I take it, and I asked this of Mr. Quinn, have you or any of your people ever been approached with a possible secret deal to return somebody for money or for any other reason? Is there a record of such an offer and a transaction in the making?

Mr. FORD. By one of the governments or private individuals?

The CHAIRMAN. By private individuals or the governments.

Mr. FORD. No, the closest thing that comes to that was the Walter T. Robinson case that Secretary Quinn mentioned earlier. In fact, he described it as we made the judgment in sort of analytical terms. We actually sent a team to Vietnam. I mean, it was not—we know when we went that the chances of its being Walter T. Robinson were virtually zero, unless all of our information was wrong, but the picture was compelling that it could be an American, The position that we took at Defense was that we don't know who this person is. It could be an Amerasian, it could be an American, but why don't we just go up and ask him and find out. Well when we got there we found out that he was Amerasian, he was on his way out of Vietnam legally, and to the best of my knowledge he is out now.

The CHAIRMAN. One of the theories that is often advanced is the pearl theory, that since the French are supposed to have—there is evidence that the French did some trading in the post-Dien Bien Phu period for prisoners—that therefore people are holding Americans in order to do some trading. What you are saying is that there is no document or evidence or statement of any kind of any government official that you know of, that anyone has ever been approached in 19 years for that kind of a trade. Is that accurate?

Mr. FORD. To the best of my knowledge. I obviously don't have an encyclopedic knowledge of this issue, but I have not run across any.

The CHAIRMAN. Within the whole interagency group, no one has ever surfaced any possible deal, is that accurate?

Mr. FORD. That is accurate, and in fact, if somebody did, I'm convinced that if we thought there was some serious intent on the part of the person making the deal, we would try to follow up on it.

The CHAIRMAN. Within the Laotian culture, what would be the ability and purpose of Americans being held over the course of 19 years, or 18-plus years? Would it be slave labor? What is the rationale here?

Mr. FORD. Senator, it's obvious that you have gone through some of the same questioning that I have in terms of what the motivations would be of people. I have not come up with anything that I find convincing that explains to me why people do things like keep hostages. In the Middle East, for example——

The CHAIRMAN. For hostages, they hold them for the release of other people, correct?

Mr. FORD. Or for financial gain. All I can tell you is that there are still reports coming in that suggest that there might be live Americans in Southeast Asia. There are photographs, for example, the Carr photograph, which is compelling, and which is not just Carl Ford's eyeballing it, which I always thought non-expert. They certainly look alike to me, but as our experts look at it they also are beginning to say yeah, there is a resemblance there that's uncanny. That's not a quote, but that's a bottom line. I don't know why, what the motivation is, but the fact that there could be an American there is still something we can't dismiss.

The CHAIRMAN. Absolutely not. What I am trying to get at is the question of the wholesale—you know some of the theories hold up the notion of 50, 100 or this, or that. Now, is it possible that in the aftermath of the war, particularly during the period when Vietnam was closed to us between 1975 and 1979 particularly, that people were held but that then the dynamics changed and because holding people did not bring about what some thought it might have brought about, those people were lost, and that that may be part of what has fueled this. Is that a theory that might have perhaps more life?

Mr. FORD. It's certainly one of the possibilities that I think that should be considered in trying to get at this question of motivation. I think that there is also the likelihood that—I mean there are other scenarios. One that hasn't been mentioned that I've always found very credible is people who were injured at the time of their loss, and that are not aware that they are Americans and they're not home.

The CHAIRMAN. Let me do this, Mr. Secretary. They are holding the vote for me, I need to get over there. I think the hiatus will be marginal because I am sure that Senator Smith is on his way back. If you could wait and we will just recess momentarily until Senator Smith gets here to pick it up.

[Recess.]

Senator SMITH [presiding]. We will reconvene.

The CHAIRMAN. We will be back in just a second. I am under the impression, based upon the comments on the floor, that there probably is going to be another vote, they say within 15 minutes after this one ends, but this one may be open for a little while because there were a lot of Senators who had not yet voted, even though the time had run out, so we will just try to keep going. Just a couple of more points for me. It seems as if you are very candid about problems that may have taken place in the past. Is there any way that you could recommend how we could reconstruct some of that to see if anything was missed, back in, obviously long before your watch, back into the period of the 1970's and moving on up, how we could reconstruct just some of those mistakes—not in the sense of trying to identify anybody who is making mistakes necessarily, that is not the point, but just to try to see if there is anything that we did miss, so we do not have to go back and root through reams of stuff that you have all been through?

If you could help us in that regard, either with a comment now or something perhaps for the record, it would be very helpful.

Mr. FORD. I think that I briefly mentioned where I would start, and that is asking to appear either in public session or private session, whichever you prefer, some of the people who were my predecessors who worked the issue, and hear from them directly. I'm sure they've thought about it and have thought about their actions and their decisions. They may think they were all perfect, I don't know. But I think that's the place to start, with the people who were involved directly with these issues at the time, and get from them their view 10, 15, 20 years later.

I will be very frank with you that I have been so busy looking at today and tomorrow. There are so many things to do that I don't have time to do. In fact, that's why I strongly recommended to the Secretary that we have a deputy assistant. As far as I'm concerned, it's a full-time job. I can't devote full time to it, and when I realized that, that was my recommendation; we've got to get somebody full-time. There are so many things that we would like to do better in terms of the way we interface with the families, how we want to—as you see, we are beginning to have the military take a much more active role now that we have more access to Vietnam, Laos and Cambodia—and those are the issues that I've concentrated on.

I will admit that if I'd had more time, I would have probably thought more about and done more about some of the things that happened in the past. But, to be quite honest, my priority has been on where we were going.

Senator SMITH. Just a couple of comments, and you might want to respond to them if you wish. In listening to Senator McCain's line of questioning regarding the photos, and a lot of banter back and forth in regards to what the motives might be, one of the striking things about those photos to me was, and I think everybody agrees—I know you and I do because we talked about it—was that at the very least the similarity between the alleged POW and the other subject. I mean, if this is a scam and these are not valid photos, this is not just somebody dragging out belt buckles; these are fairly substantial efforts.

Mr. FORD. They're pretty well-organized and knowledgeable people doing it.

Senator SMITH. I mean, you know you just cannot go out and find somebody as handsome as you or me that quickly, you know what I mean, it takes a while. It is not that easy to do, to get somebody with at least a similarity, and I know that certainly the Borah photo, and certainly the Carr photo, or the alleged Carr photo, there is a similarity there in many ways. So, still I guess the jury is still out on that Carr photo.

Mr. FORD. Well you and I have talked, and I've spoken to Mr. Borah on the telephone, I have not met him, but I have seen Mr. Borah and at least one of his sons on television. I can remember at the time, having seen just the photograph, and seeing the family members on the television, saying, wow. Just simply the hairline, the shape of the face, there clearly was a very close resemblance between the Lao tribesman and the Borah family. The family resemblance I thought was striking at the time. It was in my mind not a foregone conclusion that that particular case was going to turn out the way it did.

Even when I see the photographs today, it's clear to me that somebody had to do a lot of homework to match up a hill tribesman in Savannakhet province in Laos, take a picture of him, and then come back and somehow be knowledgeable enough to make the association with Lieutenant Borah. That's quite extraordinary. As we got into this case, there seems, as I mentioned earlier, the people who had provided us originally the Borah photograph, as we go back and trace where it came from, those people seem to be up to their hip boots in all kinds of scams. Why they did it, what's in it for them, I don't know. This is one of those cases that I have had to talk to Mr. Borah and hear the pain he feels, and the uncertainty about what's happening. He wants desperately for this person to really be his son. Anybody who would put those people through it, they ought to put him in jail and throw away the key.

That's my own personal view. I don't know what the motivation is, but I don't really care as long as this sort of travesty goes on. One, it breaks the hearts of the families, and second it makes our investigators' and our specialists' job doubly difficult. As I said, we can't just assume—well, it's another scam. The fact is that you see in the Borah photograph and the Carr photograph—you see a compelling resemblance that has to make you go the extra mile, even when the trail gets cold or it looks like it might be another scam, you just keep pushing.

Senator SMITH. Let me ask you one other question before Senator Kerry gets back. Roughly 500 or so of these Lao missing who have not been accounted for, a little over 500. It is my understanding that about 120 of those individuals were in one way or another seen, or witnesses say that they ejected, or at least our reports indicate that they ejected from their aircraft, which would remove them from any casualty site—or should move them from any casualty-site excavations that we are doing.

Have you pulled those, isolated those cases and are you working on them? They are not in with the discrepancy cases that General Vessey's working. So have you pulled these things into one group and are looking at them that way, one by one, or how are you dealing with them?

Mr. FORD. We're trying to, but part of this is simply a matter of chance. That on the day of an individual's loss, for whatever reason, we happen to have more information, and so we have more to begin with. We are trying to prioritize our resources and efforts toward the ones that we have the most information on, more information to go on. We are trying to find out as much about each of these cases as we can, put them in some sort of order geographically, and in terms of information so that we can go on to find them—and we're systematically trying to go through these cases.

Part of the problem in Laos and Vietnam is that we have been working on these 119 cases in Vietnam, for example, since the 1987–1988 time frame. Only now, in the last trip—the last two trips to Vietnam—have we begun to get out beyond those cases and say we've got to go to other areas and visit other places and interview more people.

In the case of Laos, we know where many of these areas are that the Pathet Lao held Americans, and we want to go there, we want to talk to people. There are no crash sites, we just simply know where the caves were, and we want to go and talk to people who were there. We've found in our experience that they have pretty good recollections of those days, and that by piecing together the stories of several different people we can often get a somewhat better account of what may have happened to some of them.

You've got to remember that most of the cases, and the number escapes me right off the top of my head, most of the cases in Laos are cases in areas where the Vietnamese were in control. When we go to the Vietnamese, they say, well, that's in Laos. We don't have any control over that. When we go to the Laotians, they quite rightly say, listen, the Vietnamese were there during the war, we don't know anything about it. We have been back and forth with both governments for as long as I've been here, trying to get them to focus on these cases.

Senator SMITH. This is why we need some kind of trilateral talks.

Mr. FORD. Yes, and we seem to be making some progress. The State Department, hopefully with others' participation, will be meeting with the Vietnamese and the Laos in December in Hawaii to talk about this very issue. We're also prepared to talk to the Cambodians about it. I'm not going to promise anything because we don't have anything concrete, and I've been disappointed before thinking that we've made some progress on the border cases. But I think that we're in a better position now, we have more leverage than we've had before, and I'm at least hopeful that this time we won't be disappointed.

Senator SMITH. All of that information that came out about the atrocities and all the press reports and information regarding prisoners in Laos and so forth, I assume that you have—I have never really looked at what you have on that particular subject in the intelligence—never had the opportunity to do that. I assume that is somehow catalogued or together in a way that that can be looked at by the committee. Is that true, so that we can at least get a rebuttal to those public statements that were made by Lao officials and others about POW's, allegedly holding POW's by the Pathet Lao.

Mr. FORD. I'm not sure what order and shape it's in, but I'm sure that we'll be happy to share with you the information we do have. There have been a number—we are just like you. We look at Laos and we see hundreds of question marks and it is a difficult area for us to operate in, and a difficult area for us to come up with answers. I mean, we have had the reports—the same reports of Americans who we know were in captivity at one point or another in Laos and we don't have any answer as to what happened to them. Until we do, we're not going to feel very comfortable that we're on top of what's happening in Laos.

We are at a position now where, for example, CODEL travelled to Laos, and one of the Congressmen put the Laotians on the spot and said, well I would like to talk to Soth Petrasy, and the story had been that he was dead, and that's what we had been told for some time. We come to find out he's not dead, and they indicated that they were going to let us have access to him. I right off the top of my head don't know, but this—I think you will find it fascinating to talk to Bill Gadoury when he appears before you tomorrow. He is a bright, articulate, dedicated person who has been working the Lao problem for some time, and his insights and his direct knowledge, rather than hearing from me second or third hand, I think you will find very interesting. If he doesn't know the answer, the answers aren't there.

The same is true for Bill Bell in Vietnam, and John Cole for looking at the intelligence view. Hopefully you will be able to have more satisfaction when you talk to where the rubber hits the road with—our field people.

Senator SMITH. Senator Grassley, do you have any further questions?

Senator GRASSLEY. Yes, I do. Mr. Ford, just so that we are all working from the same sheet of music, and this is along the line of questions you heard me ask other witnesses. If this committee were to show that a discrepancy case, or any other case for that matter, which has been determined to be resolved and which should not have been resolved on the merits, and which on the merits should have remained open, can we expect that such a case to become a discrepancy case that needs to be resolved?

Mr. FORD. Definitely. If we make a mistake, we'll be the first ones to admit it and be glad that we made the mistake. If somebody walks out tomorrow and we said they were dead, you won't hear a peep out of us, we'll be as happy as everybody else.

Senator GRASSLEY. When you are briefed on the various cases, do you read the live-sighting reports and raw intelligence data or do you rely upon summaries of these?

Mr. FORD. It varies. My staff receives, I think, every report from DIA. Those reports that they believe are significant or something that I ought to know about right then they submit them to me. If they are ones that they want to have DIA check out more closely or that appear to be more routine—say it's 5 years old as opposed to something more immediate—I do not see all of them. I think that it's an area in which we have learned by example that we have to keep a very close pulse on.

I have, for example, talked to the head of the POW/MIA office in DIA, Bob Sheetz, and indicated that I wanted him to err on the side of badgering me with information as opposed to feeling like I didn't want to hear about it. I just don't want to be in a position that I'm the last to know that there is some important piece of information that somehow just didn't get to me.

Senator GRASSLEY. The last time I saw you we were on a late-night network show together, and on that show you indicated that you had four analyses pertaining to the Carr case. What are those analyses and what did they show, and has the Sandia lab ever analyzed the Carr photos using negatives?

Mr. FORD. The last part of your question I would have to double-check. We have a report that I saw for the first time yesterday back from Sandia, I think, that is of the Carr photograph. The reason I pause is that I got a report on Stevens and a report on Carr yesterday. One was from Los Alamos and one was from Sandia, and I may have them mixed up. The report from the Carr photograph was inconclusive but they indicated that there was a great resemblance and that they thought it was possible that they were the same person—the two photographs.

It's the most positive report from any of our expert photographic analysis people that I've seen. They found there were many similarities. In fact, as I mentioned to several people, in fact, it was from Los Alamos and it said, in our view, a strong possibility exists that the subject, in this case the Carr photograph we've all seen in the newspapers, is an aged Captain Carr. They go on to say, however, this assessment is not conclusive, but that's the most positive one I have ever seen. They also have a photograph where they have taken—what I thought was a very interesting approach—half of the wedding photograph and half of the more recent photograph and put them together, and there is quite clearly a striking resemblance.

[See appendix p. 398.]

Senator GRASSLEY. Were those analyses done from the negatives?

Mr. FORD. I would have to check the report to be sure.

Senator GRASSLEY. If they were done from the negatives, would you supply those to the committee?

Mr. FORD. The information, or do you want the negatives?

Senator GRASSLEY. The negatives.

Mr. FORD. I don't see why there would be any problem with that.

Senator Grassley. What is the status of your analysis of the Stevens photo where he is allegedly standing with a woman?

Mr. Ford. That was the other report that we got that I saw yesterday and that report was just the opposite in the sense that it was inconclusive but, in their judgment, it was not likely that it was Stevens.

Senator Grassley. What is the status of your analysis of the photo of the three pilots, I guess the first photo that you were made aware of?

Mr. Ford. This has been a difficult case for us because we have not been able to locate the people in the picture. We have not been able to locate who took the picture and we have family members who are convinced that they are their loved ones.

We have no direct information other than their identification and we still continue to have an active investigation of that photograph.

Now, what we have known is that associated with the photograph, either directly or indirectly, has been a series of scams, but they are not the photograph that the families identified.

The only thing that has been altered in that photograph is a sign that appears on the photograph. That appears to have been done by the same people who did the photos out of the Soviet magazines.

The Chairman [presiding]. Would my colleague yield for a question just for a moment?

Senator Grassley. Yes, but I think he has answered it satisfactorily and I will go on to my next question—but I would yield.

The Chairman. I understood from some sources that there was an enhancement done which showed the individuals in that photograph carrying rifles, carrying weapons, and the notches and ends of their weapons were actually visible at the lower end.

Is that accurate?

Mr. Ford. That is correct. That was from one of our national labs photograph analyses. It appeared to be German World War II weapons.

The Chairman. Is not there some sort of inherent contradiction in the notion that three people are being held prisoner, but they are holding rifles kind of surreptitiously in the picture?

Mr. Ford. Sir, I understand your question. I understand your concerns. The standard that I have is if I can demonstrate to the families that their identification is incorrect, I don't hesitate to approach them with that case. If I don't have the evidence, as far as I'm concerned, until I have the evidence, I'm going to keep looking.

The Chairman. I think all of us appreciate that and I think that is the right way to approach it. But I did not hear you volunteer that. I have not heard that sort of come out. I mean, that is why I asked you, I guess. I just wanted to make sure that was, in fact, ascertained by the Department and one of the question marks that is now raised with respect to the photograph.

Mr. Ford. We can not say that the family identifications are incorrect. We have real questions and I've explained.

The Chairman. I will raise the family as a question mark and as I say to you, I understand why you do not say it is incorrect in the face of positive identification.

Mr. FORD. It is one of the cases Senator Grassley talked about where we had made an analytical judgment on Colonel Robertson. We have, in fact, taken that back and said, well, not so fast.

We may have made a mistake, despite the fact that the Vietnamese have provided us with even more information than we had before. As long as we have these inconsistencies that are difficult to demonstrate to any degree to the family, we are going to keep the case active and keep it open.

Hopefully, we will find who is in that photograph and that will solve the question.

Senator GRASSLEY. Before I ask my next question, besides those negatives, if that is what you have, also the analyses of the negative?

Mr. FORD. Yes, I want to make sure that I don't mislead you. I was going off of just my recollection. My staff has indicated to me that we no longer have the negatives. They were given back to Colonel Bailey, who requested them from us.

We have, I hope but I don't know for sure, we have gotten a later generation of photograph and/or negative that we were working from.

Senator GRASSLEY. But you could provide us with your analyses?

Mr. FORD. Yes, sir. In fact, we can give you the analysis that we received not only from our own in-house, but also, if we have the Sandia or Los Alamos reports, we'd be happy to provide those as well.

Senator GRASSLEY. According to Secretary Cheney and General Vessey this morning, a DOD policy states family members can have access to information about their loved ones, except for information that would compromise sources and methods.

Is that your understanding of our policy?

Mr. FORD. That is certainly my understanding, that that is the policy. I hear the same complaints that you do from family members who feel that we're not giving them enough information or that somehow we're holding back.

In most cases we find—that I have investigated personally—that is partially true. In some cases, they're just through error. They have more or less than some other family member.

Sometimes it's our fault and sometimes it's the family's fault, but there are problems there that we've got to correct. When people come in, as I had—there's a young lady here from Alaska, I think she's here today. You don't have to talk to her very long to realize that she has a real problem with us, and that she doesn't think we played fair or square with her.

As long as you have that, it's hard to say, well, we're doing a great job.

We're going to have to find a way to make sure that as many family members as we can are satisfied with the treatment that they receive from the Defense Department.

Senator GRASSLEY. Well, that is very good and I am glad to hear that and I am sure you would not condone that lack of cooperation. I think you have answered my question. It was going to be that if the committee brought you information to this effect, you would consider it and look into it and I think you have said that.

Mr. FORD. Yes, we sure will.

Senator GRASSLEY. Mr. Chairman, I have just one last question. In our previous conversation before I went to vote, you mentioned only seven of the 102 new personnel will be with Stony Beach. There's a 1986 memorandum of understanding between JCRC and Stony Beach, determining that JCRC would handle excavations and Stony Beach would handle investigations of live sightings.

Has there been a new memorandum of understanding?

Mr. FORD. Not to my knowledge, Senator, but I think that we have to keep in mind that we are in transition to a new set of organizational procedures, both on the civilian side of DoD and also on the military side, and that the joint task force is trying to centralize and organize this process. When we do that, we are also trying to protect our credibility and our ability to look at this problem from Washington and to make sure that there is a certain transparency in our process.

We frankly have not worked out all these arrangements and procedures and we are seeking recommendations from the field from DIA on how we can best do that under the circumstances.

If that means change it a little bit, we will change it. If it means keeping the old procedures, and everyone decides that the best way, we'll keep that.

We have a new opportunity that we didn't have before. We've got much greater access to Vietnam. So we're going to tailor our approach and our procedures to fit the situation.

Right now, it's too soon for me to give you a judgment on where we're going to come out. Hopefully, it will be the best answer but we will keep you informed as we make those decisions and you can judge along with us whether we're doing it right or not.

Senator GRASSLEY. I think what you are probably saying is there could be a new memorandum of understanding.

Mr. FORD. That is quite likely.

Senator GRASSLEY. Thank you.

The CHAIRMAN. By way of housekeeping, let me say that we are going to have another vote here shortly and possibly even another vote after that.

It has been a very long day and I think that it really makes a lot more sense not to feel any pressure and not to treat the next panel haphazardly.

So what I would like to do, if it is acceptable and I understand a number of you have to be over at the House in the morning, I would like to ask Mr. Nagy and Mr. Sheetz and company if you would be willing to come back after that in the morning.

I want to go with the first panel with Mr. Bell and Colonel Cole, first and then we will put you on after that. I think that will flow well that we will be able to fit everybody in without as much pressure as today.

So we will end with this panel momentarily as we head over.

General let me just ask you, now that you have this new structure and you have this new ball to juggle, are you satisfied that right now you have the structure in the making that is going to permit you to do the job, that we are not going to come back here in five months and say you did not get what you needed or that you did not ask for what you wanted?

General CHRISTMAS. Senator, yes I am. The reason I am is because that is what the two-tiered strategy is all about. It is a strategy that worked in Desert Shield, in Desert Storm, a strategy that worked in Bangladesh with Sea Angel, the strategy that worked in the Philippines with Fiery Vigil.

Very simply, you have a Joint Task Force commander and he's responsible. Just above him is the Commander-in-Chief of the entire Pacific Command. It's a direct line.

Whatever that Joint Task Force commander needs, he goes to the CINC. He goes through me, the Director of Operations, as a facilitator.

I will go to all those component commands, Army, Navy, Air Force, Marine Corps, and those sub-unified commands. What we can't do for him from that aspect, then I turn to the Joint Chiefs of Staff and I say, we need this additional support to be able to carry out the mission.

Yes, sir, I'm very confident that this is the proper organization, with the unity of command that is genuinely needed to accomplish the mission.

The CHAIRMAN. Now, with respect to personnel on the ground, when I was there last and discussed this with Bill Bell and others, I raised the question, should we have a team for each province? I mean, if this is really a priority and if we are assuming that somebody might be alive, then every day that goes by is a day too many.

Do we not, therefore, have an obligation to maximize the on-the-ground effort, the search capacity, the oversight, et cetera, and really push for more, even now?

I know the response from Bill and others is, do not give us unqualified people. It takes time to train people and have them qualified and so forth.

I guess my question is, are there not, within the reserves in this country, personnel who did time in Vietnam, who are Vietnamese-language qualified, who are disciplined and quickly trainable and who might be able to augment this thing so that we could really get at it rather than just doing what is enough? Go in with almost a surplus of people and make it happen?

General CHRISTMAS. Senator, that is the ideal thing about a Joint Task Force. It is a task-organized force. We can reach out, as an example, requesting through the Joint Chiefs of Staff to get certain capabilities, as an example, that might be in the reserve.

The key is that, this is a living organization that will expand and contract based on the access that is provided to us. Bill is very clear, we can only put into his detachment, those folks who are qualified.

The folks who we are now getting, who have been authorized by the Secretary of Defense, are those from all of the armed services.

As the Hanoi detachment develops its leads, and says, this is what I need, We will be able to task-organize, our teams and be able to bring in to them exactly what they need to accomplish the specific task at hand.

The CHAIRMAN. Mr. Secretary, does the DIA have a database into which all of the information, human intelligence, signal intelligence, photo intelligence, from all agencies has been collected and cross-tabbed?

Mr. FORD. I can't confirm that myself, Senator. I think that Mr. Nagy and Bob Sheetz and others would be able to do that.

My sense is that we have tried over a period of time to find every file that we can find, wherever it might be located, because in our business, bits and pieces of information, no matter how fragmentary, can make all the difference in the world when you work with so little.

A lot of information is in Hawaii, where our field operators have been operating out of, so they have their database. We try to make sure that the DIA and the JCRC and CIL–HI were working from the same sheet of music.

In fact, when we can, we have been trying to pass sanitized information to the Vietnamese, so that they have some sense of where we're at and how we're operating.

I can't guarantee you that all of these databases are exactly the same and, in fact, I'm almost certain that there are things in one that are not in the other. It's a problem that we're just trying to work on now.

Hopefully, with the unity of command that we've been talking about, that will be one of the priorities, to make sure that all of the databases that we've got are exactly the same. People will share and be able to copy and give information to each other, just a double-check, to make sure that we have all the files.

The CHAIRMAN. With respect to the helicopter situation, what is the Lao objection to that? Have they stated a specific objection?

Mr. FORD. Well, I find that the Vietnamese and the Lao have similar objections and that part of it is that these are, lest we forget, still Communist countries that we fought for some period of years and don't particularly cotton to the notion of U.S. Army helicopters or U.S. Air Force helicopters flying over their territory.

I don't agree with them, but I think that that's clearly the first and foremost it's a matter of national security. They're not particularly sure they trust us with our helicopters.

We never said that would stop us. We'll do it any way they want to do it. Part of the problem, and you've been there, both of you, we're just tired of putting our people in the field at risk by flying MI–8 helicopters that are not in good repair.

We've got to get out there. Why not from Australia, why not from the United States? Laos is talking to an Australian company. We simply said we would pay you to lease these things. Do whatever you want. Buy new helicopters. Rent them, lease them, buy American, whatever you want to do. Get some new helicopters.

Now, this is something that I think will make a difference. Basically, the message they're getting from the policy community is solve the problem. Whatever you have to do, get better helicopters. I'm confident that when you go out in February, we'll at least be able to give you much better answers and we'll know where the blame is, whether it's in our court or——

The CHAIRMAN. Well, I would hope that when we go out there in February that we have some choppers that are operating and that will work. I can understand that, sir.

Senator SMITH. I will second that. [Laughter.]

The CHAIRMAN. I really was not thinking just of us personally, but I was thinking far more of just getting it going. I must say this will be a bone of contention, because they legitimately raised the question, the sensitivity to, you know, a green helicopter with U.S. markings—might even become a quick target.

But to have neutrally marked and clearly identifiable choppers of some other kind, whether with red crosses on them or whatever, it seems to me there ought to be a way to get them there and get them quickly.

My personal opinion is if you want to put to rest people's questions about response time on a live sighting or ability simply to react and go out, there are few things that would contribute as much to that. Then I think it would be a tremendous step forward. So I hope it can happen sooner rather than later.

Mr. FORD. It is hard to imagine a live-sighting program that's credible, that doesn't have the ability of free access any place, any time we want it and in a practical way.

Now, I would point out, Mr. Smith mentioned several times this problem, when the 25-mile limit was lifted on the Vietnamese, for example, they can travel anywhere in the United States, they can lease helicopters, we don't ask them where they're going. They can do anything they want in this country.

I think what we're really asking is reciprocity. In this case, one that is extremely important to us, to be able to go and check out on live prisoner issues that will never be credible if we have to ask the Vietnamese or the Lao every time, oh, by the way, we want to go check on a prison that may be located 35 kilometers from Savannakhet. I mean, how will anybody believe us that we're really serious about it, if that is the procedure that we have to operate under?

The CHAIRMAN. I agree with that and I think it is terribly important to move forward on that.

Mr. Secretary, as I asked you earlier, I do not know, you are not going to be here every minute, because you go to the House, but I gather you will have a representative here who will——

Mr. FORD. Yes, I will. We'll have somebody here at all times.

The CHAIRMAN. And you will personally return on the back side of these hearings?

Mr. FORD. Yes, sir. I've talked to Ken Quinn and he's also prepared to come back.

The CHAIRMAN. The reason I say that is I think nothing could be more important than to have front and center to respond to some of the families' concerns, to some of the critics' concerns, and where you cannot, to be able to say to us that you are going to get that response the next day.

I think that will help build the relationship and begin to defuse some of the feelings that there is an unavailability or an unwillingness to do so.

Mr. FORD. We look forward to the opportunity to come back and we'll try to put sort of a representative sample of the administration witnesses together so that we can try to cover as many of the issues as we can.

The CHAIRMAN. That would be very, very helpful and the committee will obviously make any time available to you that is necessary to do that as we proceed from here.

We have another vote on, we are on the back end of it. As we adjourn for today, let me re-emphasize that the committee understands that it has so far only scratched the surface of a lot of issues.

Much of this work will not be done here in the hearing room, it will be done through staff's talking depositions, through interrogatories that will be responded to, through data that will be collected and evaluated. As we go along, hopefully we will draw some intelligent and thoughtful conclusions or even some questions and then come back and pose them, without jumping to any hasty conclusions or judgments.

One thing that I want, and I know Senator Smith wants, is for the committee to be judged as being absolutely neutral and fair in this process. There is a lot of data to go back and review. So this is the beginning, it is the baseline, and there is a lot of work yet to be done over the course of the next months.

I am, again, very appreciative to you. It has been a long day. I know you have got other things you would like to be doing. I think it is important, obviously, and I know you think that, or you would not have been here.

I know the Secretary, Secretary Cheney, thought it and thinks it or he would not have made this commitment of his staff throughout today.

It is a good beginning and I think we all very much appreciative you for helping us to make it so. I hope we can build on this over the course of the next months and put this issue to rest, for families, for the country and for everybody. There are some tough choices yet to be made, but I am confident that we can do it.

General, I applaud you for your commitment to this thing in classic Marine fashion and we look forward to working with you. Thank you very much.

We stand adjourned until 10 a.m. tomorrow morning.

[Whereupon, at 7 p.m., the committee adjourned, to be reconvened at 10 a.m., Wednesday, November 6, 1991.]

POW/MIA POLICY AND PROCESS

WEDNESDAY, NOVEMBER 6, 1991

U.S. Senate,
Select Committee on POW/MIA Affairs,
Washington, DC.

The Committee met, pursuant to notice, at 10 a.m., in room SH-216, Hon. John Kerry, Chairman, presiding.

Present: Senators Kerry, Brown, Grassley, Kohl, McCain, Reid, and Kassebaum.

OPENING STATEMENT OF HON. JOHN KERRY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

The Chairman. This hearing will come to order. Good morning. Welcome to the second day of hearings of the POW/MIA Select Committee. We appreciate everybody's patience yesterday. It was a long day. It is my hope that today will not be quite as long, but it is an important day of testimony also in helping us to set out the framework of the next months.

We will begin today with the testimony of Garnett E. Bell, who is Chief of the U.S. Office for POW/MIA Affairs in Hanoi; Mr. William Gadoury of the Casualty Resolution Center. He is a specialist in Laos of the Joint Casualty Resolution Center; and Colonel John Cole, who is the Director of Stony Beach, the DIA entity in Thailand.

Each of these gentlemen has traveled back a considerable distance and at some personal and professional dislocation in order to be here. They are not used to testifying before Congress; if they had their choice, I know they would not choose to be here before the Congress. But it is precisely because they are not the normal testifiers that their testimony is really so important to us.

I think that each and every one of them brings a remarkable level of commitment to this issue and of understanding about this issue. We are extraordinarily fortunate to have these kinds of professionals involved in this effort. Yesterday I did not say lightly that I think they are really legitimate heroes of this effort.

Today I want them to tell their own story, and we may have to try to drag some of it out of them because I know that they are modest and they are not going to talk about the length of time or the amount of energy they have put into it very easily. But I think it is terribly important for America to hear this.

Their story is an important part of understanding the genuine good faith effort that people have been making and the type of commitment that individuals have made to this issue over the years. And any inquiry into the POW/MIA effort that is lacking in their testimony is an incomplete inquiry; that is why we are here today.

We are not going to spend a lot of time with openings. We want to try to maximize the time for testimony. So let me just turn quickly to my colleague, Senator Smith, and see if he has any comments and then we will proceed.

Senator SMITH. I have no opening statement, Mr. Chairman. I am anxious to hear from the witnesses.

The CHAIRMAN. Without further ado, then, we turn to the testimony of our first panel and, gentlemen, I would ask is there a particular order you are going to testify in?

Mr. BELL. The same order on the list here.

The CHAIRMAN. Could I ask each of you if you would stand so you may be sworn?

[The witnesses were sworn.]

The CHAIRMAN. Mr. Bell, if you would lead off, please. If you will forgive me, I may sort of interrupt you or any of my colleagues may to try to sort of draw out a little of the picture of this thing that may not be completely in your prepared comments. Thank you.

STATEMENT OF GARNETT E. BELL, CHIEF, U.S. OFFICE OF POW/MIA AFFAIRS, HANOI

Mr. BELL. Senator Kerry, Senator Smith, and Members of the Committee, I welcome this opportunity to share with you my views on our efforts to account for Americans missing in Vietnam.

My involvement in the issue spans 23 years. During the war, I was assigned to an intelligence team whose mission was to collect information pertaining to American prisoners of war and missing in action.

The CHAIRMAN. What years was that? Just give us a sense of the time frame.

Mr. BELL. This was in 1968, sir.

The CHAIRMAN. Until when?

Mr. BELL. Actually, 1967 and 1968, but again in 1973.

The CHAIRMAN. And what was your rank or station at that point?

Mr. BELL. I was an NCO in the U.S. Army, sir.

Many of our team's reports can be found today in the case files which we maintained on unaccounted-for personnel. In 1973, I was an interpreter for Operation Homecoming—the repatriation of our POW's to the United States. I later served with the four-party joint military team in Saigon and the Indochina Refugee Reception Center at Ft. Chaffee, Arkansas. I have been assigned to the Joint Casualty Resolution Center since 1980 and am currently the chief of the U.S. Office for POW/MIA Affairs in Hanoi.

From an initial staff of two, we now have six people assigned on a temporary basis. The function of the office is to investigate live-sighting reports, investigate discrepancy cases, research archival files, examine and arrange for the repatriation of remains.

My presentation today will discuss our efforts to investigate live-sighting reports. I'll describe how we obtain this information and the follow-up actions which the Hanoi detachment is taking. I'll also discuss discrepancy case investigations and what we have learned from those activities.

With the fall of Saigon in 1975 and the exodus of southeast Asian refugees, the Joint Casualty Resolution Center implemented a program to interview those who have knowledge of POW/MIA-related incidents. I have personally conducted interviews at refugee camps in Thailand, Malaysia, Indonesia, Hong Kong, Macao, The Philippines, China and Japan. My reporting has included live-sighting reports and details of southeast Asian prison camps.

Since 1987, the JCRC and Defense Intelligence Agency have shared responsibility for collecting information from refugees. Live-sighting reports receive the first priority of all interviewers. But, based on a memorandum of agreement, the JCRC interviewers generally concentrate on those who have information on remains or crash sites and grave sites, while the DIA interviews refugees who allege unaccounted-for Americans are still alive.

Interviewers assigned to the Hanoi office have had some opportunity to follow up on live-sighting reports. For example, in August I traveled to two prison camps west of Danang to investigate a report, along with an associated photograph, which alleged Americans were being held in this area. I observed no Americans at the camps. But one of the camp commanders knew of some foreigners who were working on a hydroelectric project nearby. Our request to visit this site was denied.

The follow-up of live-sighting reports is but one way the Hanoi detachment is attempting to shed light on the live prisoner issue. We are also pursuing MIA cases of which the Vietnamese ought to have knowledge. We use the term "discrepancy case" to describe these incidents. If there are Americans alive in Vietnam, they are most likely associated with these losses.

As you are aware, an agreement between the President's emissary, General Vessey, and Vietnam's foreign minister enabled our teams to begin investigations of discrepancy cases in September 1988. The results of these investigations have been mixed. For about half of the number of MIA whose cases we have investigated, we have yet to determine their fate.

To resolve these cases, as well as the live-sighting reports, we need to meet with cadre who were involved in the detention of American POW's and also to have access to Vietnam's wartime historical archives. We have had access to some records and witnesses' testimony which has matched that obtained from witnesses no longer under Vietnamese control.

This is a good sign, but it is readily apparent to me, my fellow investigators, and our intelligence analysts that the Vietnamese can do more. I quite often remind my Vietnamese counterparts that eventually the truth will become known and that they can quicken this process by full cooperation and disclosure.

In the weeks and months ahead the Hanoi office looks forward to launching an accelerated and expanded search effort to resolve the issue of live Americans while moving deliberately to achieve the fullest possible accounting of all of our missing in action.

We certainly appreciated your visit with us last summer, Senator Kerry, and look forward to seeing all of you in Hanoi when your schedules permit.

The CHAIRMAN. Thank you very much, Mr. Bell.

[The prepared statement of Mr. Garnett E. Bell follows:]

PREPARED STATEMENT OF GARNETT E. BELL

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We certainly appreciated your visit with us last summer, Senator Kerry, and look forward to seeing all of you in Hanoi when your schedules permit.

The CHAIRMAN. Thank you very much, Mr. Bell.

Colonel Cole.

STATEMENT OF COL. JOHN COLE, U.S. ARMY, CHIEF OF THE DEFENSE INTELLIGENCE AGENCY'S STONY BEACH TEAM

Colonel COLE. Mr. Chairman, Members of the Senate Select Committee for POW/MIA Affairs, my name is Col. John M. Cole, Jr., U.S. Army. Since August 1990, I've been the chief of the Defense Intelligence Agency's Stony Beach team in southeast Asia.

This team was formed in April 1987 to collect and report intelligence required to assist in the resolution of the POW/MIA issue. Priority is on the live prisoner issue, especially on photo and last-known-alive cases.

Our primary collection activity centers on the debriefing of southeast Asian refugees and displaced persons currently housed in refugee camps throughout southeast Asia, including Thailand, Malaysia, Indonesia, Hong Kong, and the Philippines. These refugees and displaced persons are the predominant source of first-hand live-sighting reports from Laos, Cambodia and Vietnam.

Stony Beach works closely with refugee camp administrative personnel to screen new arrivals and residents as to their knowledge of possible American prisoners of war. Individuals identified through such screening as subsequently debriefed in depth by Stony Beach debriefers. Information obtained from these interviews is reported from the Defense Attache office in the U.S. Embassy in Bangkok as Stony Beach intelligence information reports, IIRs.

Primary consumers of our reporting includes the DIA Special Office for POW/MIA's and the Joint Casualty Resolution Center at Barber's Point in Hawaii. Our tasking and priority is set by DIA. We do not actively collect crash site or grave site and remains information from refugees and displaced persons, since under the terms of our memorandum of agreement with CINCPAC, JCRC has that mission. However, when we do obtain such information, we promptly pass it to JCRC for disposition and reporting.

In addition to refugee and displaced persons, Stony Beach also screens emigres leaving Vietnam under the orderly departure program—reeducation camp releasees, reunification of families, Amerasians and so on—for POW/MIA crash site/grave site information, as well as information about recovered remains. We also interview/debrief persons who volunteer POW/MIA information, and it is from this source that many of the photos and live-sighting reports are obtained.

Additionally, over the past summer we have also formed teams with the POW/MIA office and with JCRC personnel to investigate late-breaking photo cases in Laos and Cambodia. In fact, we have visited Phnom Penh three times since July. It should be noted that until this past summer, Cambodia was basically a denied area for POW/MIA case information or investigation. Progress has been made in Cambodia, in that we have just developed a one-year plan for joint investigations of first-hand live-sighting reports in Cambodia's eastern provinces. We have asked to go in in December, sir.

Perhaps this summer's most important development in terms of future significance was the acceptance by the Socialist Republic of Vietnam of a U.S. Government POW/MIA office that Mr. Bell outlined, with a live-sighting investigator as part of that staff. Stony Beach personnel have been given responsibility for this vital mission.

Progress has, up to this point, however, been rather disappointing in terms of results. Despite Vietnamese claims of total freedom of travel to pursue first-hand live-sightings, both captive and living free, our investigator has not yet been permitted by the Vietnamese to travel outside Hanoi to complete his investigations. However, just the day before yesterday we received word that the Vietnamese may now be beginning to permit this travel. Time will tell as to whether this can be done without undue advance notice restrictions.

Stony Beach personnel are professional human resource intelligence debriefers and linguists familiar with the cultures and peoples of southeast Asia. We are fortunate to have assigned totally-dedicated personnel who work far in excess of a 40-hour week, week in and week out. Most of us are military, so our commitment is not only to agency and mission but also to our fellow brothers and sisters under arms.

We are fully aware of our sacred trust and promise this Committee, the American people and, most importantly, the families of those still unaccounted-for that we at Stony Beach will not rest until our mission is complete.

The CHAIRMAN. Thank you very much, Colonel.

Mr. Gadoury, I mispronounced your name to begin with. I apologize.

STATEMENT OF WILLIAM R. GADOURY, JR., CASUALTY RESOLUTION SPECIALIST, LAOS JOINT CASUALTY RESOLUTION CENTER

Mr. GADOURY. Senator Kerry, Senator Smith, Members of the Committee, thank you for inviting me here today to share with you some of my observations on our government's efforts to account for our prisoners of war and missing in action in Laos.

In October of 1990, I retired from the Air Force after having served for 22 years. My specialty was operational intelligence. During the Vietnam war I spent 3 years working closely with our pilots who flew combat missions out of Thailand, some of whom are among those listing as missing in action.

In 1984, I began work at the Casualty Resolution Center, the Joint Casualty Resolution Center, as an analyst in Hawaii. Since July of 1985, I have been assigned to the JCRC liaison office at our embassy in Bangkok, Thailand.

I'd like to discuss two of our POW/MIA operations for which I have responsibility—the Lao refugee interview program and investigative activities inside of Laos.

When I arrived in Bangkok in 1985, my own personal highest priority was to find hard, credible evidence that Americans are still alive in Indochina, evidence which I dearly hoped would lead to the return of some of my former comrades-in-arms. I have interviewed hundreds of people who have or alleged to have information concerning cases of deceased Americans, as well as accounts, usually hearsay, of Americans still alive, either in captive situations or living freely.

I have filed detailed reports on each account and received follow-up requirements from the DIA's POW/MIA branch office. Based on these follow-up requirements, I have conducted re-interviews with these sources as expeditiously as possible, but, despite my best efforts over the past 6 years, I have yet to find that hard, credible evidence of which I spoke a moment ago. Nevertheless, I have not ruled out the possibility that Americans may be still alive in Indochina.

In addition to visits to Lao refugee camps in Thailand, I have made many trips to remote parts of Laos searching for information on MIA's. In April this year, I led a team whose mission was to investigate discrepancy cases, compelling losses of which the Lao ought to have knowledge. The focus of this particular investigation was to determine the fate of two Americans who were held prisoner in the late 1960s in caves near the Communist Pathet Lao headquarters at Vieng Xai in northeastern Laos.

Prior to our arrival, Lao officials had located a first-hand witness to one of the incidents. He was a former Pathet Lao soldier who, during the war, was with a small unit which was responsible for caring for an American prisoner who had been transferred to their custody from another nearby unit. He took my team to a cave where the American was held for approximately 8 months; he also led us to an unmarked area where he recalled burying the American after he had succumbed to a high fever.

There were no grave markers, and the surrounding area had changed in the 23 years which had elapsed. The witness was, therefore, only able to recall the general area of the gravesite. The Lao government has agreed to permit us to return to this area during the coming dry season to continue the investigation.

As for the second American, my team obtained only limited information from a third-hand source. We are working with the Lao to attempt to locate first-hand witnesses.

The following month, in May, I was assigned to a team tasked to follow up on two prominent discrepancy cases. One of the cases involved an American and an Australian, both civilians, who were taken prisoners by Pathet Lao forces in September 1974. The other case involved an Air America employee who was held prisoner by the Pathet Lao for 3 years before he and 6 other prisoners escaped in 1966.

Unfortunately, due to bad weather, which resulted in our Lao counterparts' inability to coordinate our visit with local officials, we were unable to investigate these cases. Instead, our activities were limited to crash site surveys and gravesite excavations. We are working with the Lao to investigate these cases as soon as possible.

In September, I led yet another team to southern Laos to conduct investigations into cases relating to missing Americans alleged to be associated with several photographs. Lao officials, during an earlier unilateral investigation, had located the subject in one set of the photographs, which was allegedly related to the case of Navy Lieutenant Daniel V. Borah, Jr. The actual subject of the photograph, an ethic Mang Kong tribesman, whose name was Ahrao, was located in a small town in southeastern Laos near the Vietnam border.

Mr. Ahrao told us how a traveling merchant stopped by his rice field one day last year and offered to take his photograph. He had not previously met the photographer and had no idea that the man planned to misrepresent his photograph as that of an American POW. We interviewed, photographed, and fingerprinted Mr. Ahrao. A second man, who was alleged to be Borah's prison guard, was also present. In reality, he was just a friend who was helping Ahrao clear his field on the day the photographer stopped to take the picture.

As part of the same investigation trip, the team traveled to Attapeu Province in the southeastern corner of Laos to attempt to locate the survey the crash site of Captain Donald G. Carr, the alleged subject of another set of photographs which are still under investigation.

Due to recent monsoon rains which had washed out the dirt roads in the area and flooded the rice paddies, the only flat, non-forested areas in which we could hope to land our helicopter, the provincial officials informed us that it would be impossible to travel to that remote area where we believe the crash site is located.

Members of the Committee, I do not know if there are unaccounted-for Americans alive in Laos, but as long as the possibility exists we must continue the search through the refugee interview program and the live-sighting and discrepancy case investigations.

This concludes my prepared statement. I'd be happy to answer any questions you may have.

[The prepared statement of William R. Gadoury, Jr., follows:]

Prepared Statement of William R. Gadoury, Jr.

Senator Kerry, Senator Smith, Members of the Committee, thank you for inviting me here to share with you some of my observations on our government's efforts to account for our prisoners of war and missing in action in Laos.

In October of 1990, I retired from the U.S. Air Force after having served honorably for 22 years. My specialty was operational intelligence. During the Vietnam war, I spent 3 years, working closely with our pilots who flew combat missions out of Thailand, some of whom are still missing.

In 1984, I began work as a Casualty Resolution analyst at the Joint Casualty Resolution Center, or JCRC, in Hawaii. Since July 1985, I have been assigned to the JCRC liaison office at our embassy in Bangkok, Thailand.

I would like to discuss two of our POW/MIA operations for which I have responsibility—the refugee interview program and investigative activities inside Laos.

When I arrived in Bangkok in 1985, my own personal highest priority was to be the first person to find hard, credible evidence that Americans are still alive in Indochina; evidence which I dearly hoped would lead to the return of some of my former comrades-in-arms. Over the past 6 years, I have interviewed hundreds of people who have had, or alleged to have, information concerning cases of deceased Americans as well as accounts, usually hearsay, of Americans still alive—either in captive situations or living freely. I have filed detailed reports on each account and received follow-up requirements from the DIA's POW/MIA office. Based on these follow-up requirements, I would conduct re-interviews with these sources as expeditiously as possible. Despite my best efforts, I have not yet found that hard, credible evidence of which I spoke a moment ago. Nevertheless, the information obtained thus far precludes ruling out the possibility that Americans are still alive in southeast Asia.

In addition to my visits to refugee camps, I have traveled throughout Laos searching for information on MIA's. In April this year, I led a team whose mission was to investigate discrepancy cases—compelling losses of which the Lao ought to have knowledge. The focus of this particular investigation was to determine the fate of two Americans who were held prisoner in the late 1960's in caves near the Communist Pathet Lao headquarters at Vieng Xai in northeastern Laos.

Prior to our arrival, Lao officials had located a first-hand witness to this incident. He was a former Pathet Lao soldier who, during the war, was with a small unit which was responsible for caring for an American prisoner who had been transferred to their custody from another nearby unit in early 1967. He took us to a cave where the American was held for approximately 8 months. He also led my team to an unmarked area where he recalled burying the American after he had succumbed to a high fever.

There were no grave markers and the surrounding area had changed in the 23 years which had elapsed. The witness was only able to recall the general area of the gravesite. The Lao government has agreed to permit us to return to this area during the coming dry season to continue this investigation.

As for the second American, my team obtained only limited information from a third-hand source. We are working with the Lao to attempt to locate a first-hand witness.

The following month—in May—I was assigned to a team tasked to follow-up on two other prominent discrepancy cases. One of the cases involved an American and an Australian, who were taken prisoner by Pathet Lao forces in September, 1974. The other case involved an Air America employee who was held prisoner by the Pathet Lao for 3 years before he and 6 other prisoners escaped in 1966. Unfortunately, due to bad weather and our Lao counterparts failure to coordinate our visit with local officials, we were unable to investigate these cases. Instead, our activities were limited to crash site surveys and gravesite excavations.

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Mr. Ahrao told us how a traveling merchant stopped by his rice field one day last year and offered to take his photograph. He had not previously met the photographer, and had no idea that the man planned to misrepresent his photograph as that of an American POW. We interviewed, photographed, and fingerprinted Mr. Ahrao. A second man, who was identified as Borah's prison guard, was also present. In reality, he was just a friend who was helping Ahrao clear his field on the day the photographer stopped to take their picture.

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Members of the Committee, I do not know if there are unaccounted-for Americans alive in Laos, as long as the possibility exists, we must continue the search through the refugee interview program and the live-sighting and discrepancy case investigations.

This concludes my prepared statement. I would be happy to answer any questions which you may have.

The CHAIRMAN. Thank you very much, Mr. Gadoury.

Let me now try, if I can, to take a few minutes just to pull out a little more, if I can, of sort of who you folks are and what you have put into this effort.

Mr. Bell, if you could bring the mike a little bit closer, I think it would be helpful. When was the first time that you became associated with Vietnam?

Mr. BELL. 1965, sir.

The CHAIRMAN. That's the first time you went over there?

Mr. BELL. Yes, sir.

The CHAIRMAN. In what capacity did you go over there then?

Mr. BELL. Infantry, sir.

The CHAIRMAN. So you were one of America's troops in Vietnam in 1965?

Mr. BELL. Yes, sir.

The CHAIRMAN. Involved in combat?

Mr. BELL. Yes, sir, in the central highlands.

The CHAIRMAN. How long was that tour of duty?

Mr. BELL. That was a 1-year tour of duty, sir.

The CHAIRMAN. Did you then return subsequently?

Mr. BELL. Actually, I returned to the U.S. and transferred to another unit that was deploying to Vietnam at the time.

The CHAIRMAN. So you went back to Vietnam almost immediately?

Mr. BELL. At that time, I went to Ft. Holabird for training and then redeployed to Vietnam.

The CHAIRMAN. And how old were you then?

Mr. BELL. 24, sir.

The CHAIRMAN. You went back to Vietnam for a second tour of duty?

Mr. BELL. Yes, sir.

The CHAIRMAN. And how long did that tour of duty last?

Mr. BELL. That lasted until the end of 1968, sir.

The CHAIRMAN. And what capacity did you serve in the second tour of duty?

Mr. BELL. Initially I worked in tactical intelligence in the field, and beginning in 1968 I worked at the national level in Saigon.

The CHAIRMAN. Who did you work for there?

Mr. BELL. I worked for the MAC–V J–2, sir.

The CHAIRMAN. That's the Military Assistance Command, correct?

Mr. BELL. Actually, the 525th Military Intelligence Group, which was under the MAC–V J–2.

The CHAIRMAN. How long did that tour last?

Mr. BELL. Until the end of 1968, sir.

The CHAIRMAN. And then where did you go?

Mr. BELL. I went to Ft. Bragg, NC, to Special Forces.

The CHAIRMAN. What did you do there?

Mr. BELL. Worked in the military intelligence detachment.

Senator MCCAIN. Mr. Chairman, yesterday we lasted a long, long time, and appropriately so, but let me point out that to go through the biography, which is available to all the Members of the Committee, should be used on your time so that the rest of us have time to question.

Senator MCCAIN. May I finish speaking, Mr. Chairman? Or maybe we should proceed with the hearing, because there are some very important witnesses and questions that need to be asked. I am fully appreciative, and I think the Members of the Committee are, of the bio and the credentials of the witnesses.

The CHAIRMAN. What was your service at that period of time, the next tour that you did?

Mr. BELL. The next tour was for Thai language training, sir.

The CHAIRMAN. And when did you then return to Vietnam?

Mr. BELL. 1973, sir.

The CHAIRMAN. In what capacity?

Mr. BELL. Operation Homecoming, sir.

The CHAIRMAN. And after Homecoming—Homecoming lasted for what period of time, about a year?

Mr. BELL. No, sir. It actually lasted about 2 months.

The CHAIRMAN. Two months. And then you went to?

Mr. BELL. I went to the Hanoi liaison office in Saigon.

The CHAIRMAN. And you have been involved with the POW/MIA issue ever since then; is that accurate?

Mr. BELL. Mostly. There were a few years when I actually had little or no participation.

The CHAIRMAN. How many years of that period?

Mr. BELL. Four.

The CHAIRMAN. So, with the exception of perhaps 4 years, since 1965 you have almost exclusively been involved with Vietnam, with the war, with intelligence, and with the POW/MIA issue, correct?

Mr. BELL. Yes, sir.

The CHAIRMAN. Were you decorated for your service in Vietnam?

Mr. BELL. The normal decorations, sir.

The CHAIRMAN. You have been head of the POW/MIA office for how long now?

Mr. BELL. Since May of this year, sir.

The CHAIRMAN. At any time during the course of your service or involvement with this issue, has anyone ever held you back or restrained your efforts to find somebody or diverted information that you have provided or covered up any information that you have provided?

Mr. BELL. Yes, sir.

The CHAIRMAN. When did that happen?

Mr. BELL. It's happened occasionally over the years, if you're speaking of reports that are edited and that sort of thing.

The CHAIRMAN. Well, I'm trying to find out whether or not it is your perception that legitimate information that you uncovered with respect to the potential sighting of a live POW or information regarding an MIA, that you were restrained in your ability to get that information to where it should go, or that it wasn't acted on.

Mr. BELL. No, sir. I don't think you could describe it as restrained.

The CHAIRMAN. What did you have in mind? What were you saying to me?

Mr. BELL. Just maybe not the best possible circumstances for doing the work.

The CHAIRMAN. Can you describe that for me?

Mr. BELL. Occasional lack of support, occasional misunderstandings on the objectivity of investigations of cases and so forth.

The CHAIRMAN. If you can, Bill, I'd like to ask you to try. Help the Committee to understand that, be a little more precise, perhaps with a circumstance in which you felt that you had something you thought ought to be treated differently and it wasn't, just to get a sense of it.

Mr. Bell. This is a typical pattern I think you'll run across anywhere in the military system, sir. What I'm referring to here is, as a specialist you do a detailed investigation and you submit a report, and it's possible that that report will not be final even though it's an investigation. The report is subject to be edited and altered by others who may be a navigator or an infantryman because they are in your particular chain.

And this is something that everyone in my profession has to work with.

The Chairman. Are you saying to the Committee that you came across information that suggested to you that someone was alive and that that information was subsequently changed to suggest otherwise?

Mr. Bell. Not necessarily, sir.

The Chairman. Can you be more precise, then?

Mr. Bell. I think what I'm talking about here is the relationship between one case as it pertains to another case. In other words, information which may not specifically correlate to an individual may have a bearing on another case, and if it's separated out from the case that's under investigation and reported separately then it's very difficult to retrieve and collate the information.

The Chairman. Well, let me sort of put it to you more bluntly, then. Over the course of time, many allegations have been made, as you know, that there's been a coverup. Allegations have been made that live-sighting reports have not been followed up on, or that specific known information about Americans being alive has not been acted on.

Do you know whether or not that has happened? Has there been a coverup?

Mr. Bell. I don't think there's been a coverup, sir, but I think it's possible that information was not acted upon.

The Chairman. My time has expired, but what period of time, to your knowledge, do you believe that information was not acted on?

Mr. Bell. Around the time of the release of U.S. prisoners and shortly thereafter.

The Chairman. My time has expired. Obviously we will be following up on this.

Senator Smith.

Senator Smith. If I could just pick up briefly on Mr. Kerry's line of questioning, Mr. Bell, all three of you folks are out there on the front line, if you will, meeting with or getting first-hand information that comes in from refugees and other sources.

Is what you are saying that perhaps you take a report—not being specific, any specific report, but a particular report—you may feel that has more importance than what comes back to you through the system? Is that a fair statement?

In other words, do you feel stronger about something when you send it out of there than what happens when it comes back? Is that a fair characterization of what you are trying to say?

Mr. Bell. No, sir. I think the problem there is the sanitization to go to particular families, which is—the way I understand it—why cases are separated, but the problem is, cases are often related, because you have evacuation systems, you have proximity to various cases, and once the information is separated off from the basic report, it's very difficult to go back and find the information or to be able to follow it up or be able to use it.

Senator SMITH. Let me ask it this way. Are you saying that this kind of thing happened—you're referring to it as happening more in the past than currently?

Mr. BELL. Yes, sir.

Senator SMITH. I think that's very important to point out, because many of your colleagues before you have essentially said similar things.

Let me ask you, Colonel Cole, can you walk me through what happens when a refugee gives you a live-sighting report? Just tell me what happens as far as what you do with it, how you deal with it, and where does it go, as far as you know?

Colonel COLE. Sir, if it's a live-sighting report given to one of our debriefers—for example, let's pick a camp on the Cambodian border, site 2, 192,000 people. We have an active program in that camp. We have several people who are refugees themselves living in that camp who are spotters. They work the new arrival centers. Site 2 is comprised of eight formerly separate camps, so you've got eight, if you will, separate camp administrations. We're in contact with all of those arrival centers.

So let's say in one of those arrival centers a refugee comes in with a story. Our man goes out there on a regular basis at least 2 days a week. He has been flagged that there is a refugee with his story. He will then interview the man again, or the man will have probably at least had his story taken down by our local refugee spotter.

Once that story is taken then by our American debriefer, he returns to Bangkok and researches what we have in terms of data on hand to see if it correlates with any cases. Most certainly, he types up an intelligence information report which is then sent in to POW/MIA here in the Pentagon, at DIA.

Senator SMITH. Do you get feedback as to what the diagnosis—that's not a very good word, but analysis is?

Colonel COLE. Yes, sir. We get feedback in terms of what we call an evaluation, what quality report it is, number one, and in most cases involving live sighting, first-hand live-sighting information, we will get back an SDR—a source-directed requirement follow-up reinterview requirement from DIA, so we're going to go back out and reinterview that person and see if there are others who may have a similar story that we can follow up on.

Now, since he's from Cambodia, we're now getting access to Cambodia. Our next step would be then to ask for access inside Cambodia to the location where the individual is talking about.

Senator SMITH. So you do cross-reference? In other words—my time is running out, but if you get 100 refugees, for example, who all come in with a live-sighting report, you're going to cross-reference these to see how many times the same sight, the same alleged sighting individual, and you cross-reference all that, and then how do you come to any conclusion as to whether or not these are valid or not?

Colonel COLE. Senator, the important discriminating factor here is, is the report here saying information, or is this individual saying that he saw the alleged American, the alleged live American with his own eyes, or did he receive that information second, or third, or fourth, or fifth-hand?

Senator SMITH. If it was first-hand?

Colonel COLE. If it was first-hand information, sir, we're going to go to town with it.

Now, come back for a second and say hypothetically speaking it's hearsay. Say it's a hearsay, that he received it from, say, a cousin. That is still going to be reported, but it is not going to be given as much validity as would a first-hand, live-sighting report.

Senator SMITH. Thank you.

The CHAIRMAN. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. I thank the witnesses. Thank you all for being here today.

Mr. Gadoury, is there any doubt in your mind that the Laotian that you found is indeed the same person that was in the picture that was alleged to be Captain Borah?

Mr. GADOURY. No, sir, there's not.

Senator MCCAIN. There's no doubt in your mind whatsoever?

Mr. GADOURY. No, sir.

Senator MCCAIN. Mr. Bell, I'm very interested in your comment. From reading your statement, you say that the Vietnamese have shown increased cooperation but there are still areas where they could be much more cooperative. Would you tell the Committee areas—I think it's very important from the perspective where we could get increases in cooperation on the part of the Vietnamese.

Mr. BELL. One way they can cooperate with us, sir, is to arrange for us to interview senior cadre who were responsible for the detention and evacuation of U.S. personnel during the war. Another way that they can increase the progress is to make more documents and historical archives available, and also to work more closely with us, with our office in Hanoi, and also participate in our interviews when people come in and claim to know the location of Americans still remaining in Vietnam, or who know the location of crash sites with remains.

Senator MCCAIN. Do you have any problem with access to getting around to different places in the country?

Mr. BELL. At present we do, sir. We've been informed that this is going to be streamlined, probably in accordance with the agreement for our office.

Senator MCCAIN. I know you're very busy, Mr. Bell, but if you will do us a favor, and also Colonel Cole, and Colonel Gadoury, provide us in writing those areas that the Vietnamese need to cooperate more so that when we do communicate with their Government we can lay out the specifics in hopes that we can attain that degree of cooperation which you feel necessary in order to get the job done.

[The information referred to follows:]

USCINCPAC will be responding to the requirement for Mr. Gadoury and Mr. Bell. Col. Cole's recommendations for improved cooperation by the Vietnamese are listed below:

1. The U.S. needs access for our live-sighting investigator without prior notification to the Vietnamese.
2. The U.S. and Vietnam need to establish a special framework of cooperation on the issue of live-sighting investigations. Apart from access, this

framework needs to address all issues influencing the conduct and credibility of live-sighting investigations.

3. The issue of helicopter availability to live-sighting investigators needs to be resolved.

Mr. Bell, let me go back, if I could, to Senator Kerry's line of questioning. It's my understanding in response to his questions that you felt that there has been some editing of reports that you feel probably did not adequately describe the situation as you saw it. Is that your statement?

Mr. BELL. That's correct, sir.

Senator MCCAIN. But you also said that the majority of this problem took place, in the time frame immediately following Operation Homecoming and the conclusion of the United States' involvement in the Vietnam War. Is that also correct?

Mr. BELL. No, sir. I understood that to be a different question. The question was about information not being followed up on, if I understood the question correctly.

Senator MCCAIN. What I'm not clear on is, is this a problem with improper behavior which would then lead one to conclude that there's a "mind set to debunk," which—as you know, which has been an area that we've been very concerned about, or is it because of differences of opinion as to the validity of these sightings, and if so, what needs to be done to make sure that someone like you gets the unvarnished information to the people that it needs to get to?

Mr. BELL. I think you could probably best describe it as a difference in opinion, sir. There are some of us who are in the field as investigators who are also qualified as analysts, who have been trained as analysts, but we're discouraged from making analytical comments because this is a job that's done somewhere else.

But nevertheless we feel that field analysis and field comments are important, and for the reason that I've just described, because one case can relate to another case, and we have had instances where we feel this could have been better managed if we are able to approach the Vietnamese and cover the entire camp system rather than piecemeal in order to establish a normal route of evacuation and a normal accounting from their records.

Senator MCCAIN. You can provide us with recommendations so we could do better in that area?

Mr. BELL. I think what we need to do there, sir, is to make sure that the report is done in the field rather than back somewhere else, to make sure that the team that conducts the investigation has a consensus. Any differences of opinion amongst the highly trained specialists should be listed in that report, but that should be the final report.

Senator MCCAIN. Would you give us some specifics of areas of information that was not addressed in the area that you're apparently most concerned about, the period immediately following the end of the United States' involvement in Vietnam?

Mr. BELL. Well, for example, if a man was still in captivity after the POW release and later his remains were repatriated to the U.S. and we had refugee reporting concerning the detention facility or the incident involving his death, this would be a resolved case from the standpoint of an analytical position, but from the standpoint of a field investigation, the next consideration would be, what camp was this man held in, and are there any more individuals in the same status?

Senator McCain. My time has expired. Thank you, Mr. Chairman.

The Chairman. Senator Brown.

Senator Brown. Thank you, Mr. Chairman. I'd like to cover a couple of areas very quickly, if we could. One is travel. We've talked about travel. We've talked about getting into the sites, looking at them. Have we had, ever, unfettered access to Laos, Cambodia, or Vietnam, where we can go on a moment's notice without preapproval from the Government?

Mr. Bell. No, sir.

Colonel Cole. No, sir.

Mr. Gadoury. Not in Laos, sir.

Senator Brown. So the fact is, we've never had an ability to follow up on reports without the Government going along and having notice?

Mr. Bell. That's correct, sir.

Senator Brown. We have, as I understand it, some 109 first-hand sightings of potential POW's, I guess that's the way to describe it, that have not been challenged, or at least we haven't come up with an explanation for. Have we used satellites to monitor all those areas of those sightings? This may be something you don't want to get into right now, but I'd like to know, can you assure us that every one of those sightings have been followed up with satellite observations?

Colonel Cole. Sir, without getting into specifics in areas that we can't cover in this open session, I can assure you that every means possible is being employed to follow up on those.

Senator Brown. Well, let me express a concern. If the North Vietnamese are telling us the truth, then there aren't any prisoners there. If there aren't any prisoners there, it doesn't make sense to bother to check the records or check the other things in terms of finding live people. Now, it may be, I think it is important and valuable in terms of cleaning up our records and comforting their families, but there's no point in doing it if they're telling us the truth.

If they're not telling us the truth, checking with them doesn't make any sense. What we ought to be doing if they're not telling us the truth is finding some way to have someone on the ground go check out those sightings. Maybe we ought to save this till later on, but it strikes me that all of these other activities don't make much sense if you're not doing on-the-ground checks on all the specific reports. Am I missing something?

Colonel Cole. Senator, you're not, and that's what we're attempting to do with our live-sighting investigator. Mr. Bell may want to elaborate on that.

Mr. Bell. We are now waiting for word from the Vietnamese for what they consider rapid response, and I'm thinking of 1-day approval for movement to the field.

Senator Brown. Perhaps recruiting information from officials of those Governments is another area we ought to cover in closed session, but one thing that would be of interest, of all the live-sighting reports we have, first-hand reports, they've come in over a period of years since the repatriation in 1973. Are you free to give me an idea of how many of those have come in in the last 3 years? Is there a point at which they stop?

Colonel COLE. Sir, I don't have that data handy. I think Mr. Bob Sheetz from the POW/MIA office can provide that to you, sir, in terms of total numbers and the ups and downs of numbers.

Senator BROWN. Well, it simply strikes me that while we've reviewed some of the activities that you are involved in, with all due respect, they don't have much relevance. I'm not trying to be hard on anybody, but it strikes me that checking with the Vietnamese to check their records, or going on a trip preplanned with the Governments involved, if they're not telling us the truth, is a waste of time, isn't it?

Mr. BELL. Well, sir, I think it's important we remember here that out of those approximately 105 reports that are unresolved, at least half of those reports pertain to a person who is alleged to be living openly and freely, and we would have to assume that there is knowledge on the part of the Vietnamese.

The Vietnamese have a very detailed system of accountability within their country. They have an organization called KH–1 that falls under their public security. Every person in that country is registered in a household by name. Every child that's born is entered into those computers, which is tied in with their United Nations population control program.

Every foreign visitor that enters a country is required to fill out a card, every foreign resident fills out a card, and if a person moves from one hotel to another hotel in the same city, he is required to reregister prior to 1600 hours that day, and that also goes into the computer, and the Vietnamese have maintained that if there are any Americans in Vietnam, they're not under Government control because they have the capability to monitor the presence of foreigners in that manner.

Senator BROWN. So the checking can at least help you identify reports that aren't valid, or don't appear to be POW's?

Mr. BELL. We're not able to determine that until we go into the field, because in the past, when Americans were remaining there, when we have asked the Vietnamese, why did you say there are no Americans here in Vietnam, when actually, in the case of Congressman Montgomery for example—and I believe that they brought this up while Senator Kerry was there—and the opinion of the Vietnamese, in the case of Robert Garwood, for example, was that we did not reveal his presence for two reasons. No. 1, he surrendered, and No. 2, he asked us not to advise the U.S. Government of his presence here, so in our opinion there were no Americans remaining here even though Garwood was still here.

Senator BROWN. Did we ask them if there were any others that fall into that kind of category?

Mr. BELL. Yes, sir.

Senator BROWN. What kind of response have we gotten?

Mr. BELL. There are no Americans remaining.

Senator BROWN. But have they answered directly that there's nobody there, even counting people who have requested that they not be named?

Mr. Bell. I think they've been more specific recently, sir, and have indicated that this is a matter of their national honor, that they are certain that there are no Americans remaining there in any capacity.

Senator Brown. So it's not a gray area, they've been very specific?

Mr. Bell. More recently, yes, sir.

Senator Brown. Thank you.

Senator Kerry. Thank you, Senator Brown. Senator Grassley.

Senator Grassley. Thank you, Mr. Chairman. I guess I want to continue along the same line of questioning as Senator Brown.

It kind of reminds me a little bit of, as background, some ways in which our own Defense Department operated when there were inspectors coming around to defense contractors. They'd let them know a couple of weeks ahead of time that they were going to be there on such-and-such a day, and it gave the defense contractors an opportunity to get their house in order and all the waste and fraud covered up, and the employees and everybody kind of up-to-date on how they were supposed to act so that there wasn't anything wrong.

Now, needless to say, if this is our method of operation in Vietnam, you know, that looks pretty ridiculous to the average person out there in America who's concerned about the effectiveness of our program. I think I heard you, Mr. Bell, say that you're hoping to get a 1-day notice to go out. Right now, how much notice do you have to give to the Vietnamese Government before visiting either a crash site, a prison, a source, or anything else that you want to visit?

Mr. Bell. The prison visits that we made, sir, took several days' notice.

Senator Grassley. You have to give several days' notice?

Mr. Bell. Yes, sir.

Senator Grassley. But even with one day's notice, isn't that—I mean, in the day of modern communication, or even in the communication of Southeast Asia, it's still going to give them plenty of time if they want to cast a certain environment there, prepare people for your coming, it surely isn't absolutely necessary for you to do your work. I mean, your work's going to be most effectively done, right, when you, Mr. Bell, decide on the spur of the moment that you want to go to a certain point and look?

Mr. Bell. That's correct, sir.

Senator Grassley. So what good is really a 1-day notice going to be, except it's a shorter period of time than you now have to wait?

Mr. Bell. Well, 1-day notice would be helpful depending on the mode of transportation, sir. As you know, we've been discussing with the Vietnamese the employment of helicopter support. In the case of a helicopter, this would be advantageous, but in the case of road transportation, due to the bad infrastructure in Vietnam, regardless of the time that it takes to obtain the approval, it will still take several days to reach the site, if it's in a remote area.

Senator Grassley. Is it unrealistic to think of our having our own helicopters over there and not relying on them for the use of their helicopters?

Mr. Bell. Their position, sir, is that any helicopters employed by the U.S. will be civilian helicopters and they will be flown by Vietnamese pilots, and they are willing to discuss a joint venture.

Senator Grassley. You're out there carrying out policy, and you've got to work under a policy created by the bigwigs at the State Department that are trying to normalize relationships with the Vietnamese. This approach that our Government's using—that they are satisfied with the 1-day notice—that makes your job very difficult, right? As opposed to if our Government was pursuing to really check in the full faith of the Vietnamese Government, we would say we aren't going to be satisfied until our people can go anywhere they want to in the country to look for these prisoners and to check on live-sighting reports and crash reports?

Mr. Bell. Well, sir, the live-sighting reports, the fact that we're investigating those, or just beginning to investigate those, works in complement with the discrepancy case investigations, because the discrepancy case investigations are those cases which would most likely pertain to any Americans that are still there alive today, and the reports alleging that Americans are still there are being addressed simultaneously.

The normalization process, the fact that it may improve or hinder relations, is not a consideration that we have in the field. When we're in the field and we investigate a case, we try to be as objective as possible, and we have no consideration whatsoever concerning the normalization process or any other aspect of the political scene in Vietnam.

Senator Grassley. But you have to operate under it.

Mr. Bell. Yes, sir.

Senator Grassley. Let me ask you, Mr. Bell, but also anybody else on the panel who wants to offer your judgment. This is in regard to present policy, whether it takes several days to get cooperation, or whether it's the ultimate, or at least what you hope is a better situation of 1-day. How confident are you that during whatever time you have to wait for the Vietnamese to give their okay, that they aren't hiding things or coaching people on what to say, in a sense like defense contractors used to do on defense fraud that I referred to?

Mr. Bell. That's extremely difficult to estimate, sir. We work normally from leads, and based on our experience leads come from refugees, they come from witnesses that we meet in the field, and they come from documents. The witnesses can be evaluated on the scene, and then we can obtain information from refugees and in some cases but not all cases confirm or deny what we've learned through the records and the witness testimony.

Senator Grassley. Just give me your gut feeling. Do you think the Vietnamese are hiding things after you've notified them that you want to go to a certain place, and that they're coaching people on what to say? I mean, here you are, a person advising us as we're investigating this. We've got to know what your gut feeling is out there, not just what the official line is.

Mr. Bell. That would depend on the particular area that you're working in, sir. We find that once you leave Hanoi and get into the local province area it's a matter of the support of the province task teams. Some province task teams are very efficient, very professional, other province task teams are not. We have had cases where we feel that the witnesses were being coached, and we have brought that to the attention of the Vietnamese.

Senator GRASSLEY. I'm done, Mr. Chairman. I guess maybe just for the benefit of my colleagues on this Committee, I think what we're hearing as a result of Senator Brown's questioning and the response to my questioning is something I tried to point out yesterday.

We've got to be very skeptical. The word I'd like to emphasize is to be skeptical what we're being led to believe by our Government, that the Vietnamese Government is heading toward being very cooperative, or what we might think or hope the Vietnamese Government is doing. I think we've got to separate rhetoric from fact, and I think we're getting a picture here that they really aren't being very cooperative. If they are being cooperative, it's not in a very timely fashion, so cooperation means very little.

I would also reemphasize, just in case there's an issue here for the Vietnamese Government, I think they ought to know that we would all welcome and would not hold past history against them at all if there was a dramatic change of practice on the part of the Vietnamese Government for total cooperation along the lines of where our people could go any place that they want to go, and if either the Vietnamese Government came up with an American there who they previously said was not there, that we would not look at it as an opportunity for punitive action against the Vietnamese Government, but that we would look at it as an opportunity for a further opening of relations and normalization of relations.

[Applause.]

The CHAIRMAN. Well, let me say to my colleague, his point is now even more obviously well taken, but it was well taken before the applause. I think you've got to kind of measure this, and it's a little more complicated.

I remember when I met with General Secretary Linh just at the end of his term as General Secretary, I raised that issue. I also raised it with the new General Secretary Do Muoi, and I raised it with Garnett Bell present and with the entire team present when we met with the Vietnamese counterparts of the POW/MIA team.

I said to the General Secretary, Mr. Secretary, unless you allow us immediate capacity to travel in-country, nobody's going to believe that it's a genuine, bona fide check on whether somebody was there, because in a matter of hours you can lose somebody, obviously, so there has to be a capacity for Americans to know that there really was a check.

Now he said—frankly, he had trouble understanding, and I wanted to ask some questions of Bill Bell about this. He had trouble understanding why this issue was so serious, because he said, you know, I don't understand, Senator, why it is that now suddenly this issue is so serious for you, when in 1978 and 1979 when I was negotiating with President Carter it was not even on the table, and it wasn't. That's the reality.

It didn't become that significant until 1980, 1981, when it was raised in the American consciousness, and Bill, maybe you can later add to this, but I think the Vietnamese have had difficulty determining whether we were really serious about this issue or whether it was a moving of the goal posts, whether it represented an American kind of game that was being played.

Now, I think—and I think Bill and the others would agree—they have come to understand it and view it as being something serious and different, so my hope is that there will be a follow-through on what Secretary Do Muoi said and Secretary General Linh said, which is, they will allow us to go anywhere in the country without prior notice and approval.

Now, that has to be measured against the fact that this is a communist country with its military bases, and I suppose it's fair for us to ask if we would allow a foreign entity with whom we had been at war to go anywhere they want in the United States, including to our nuclear facilities or our military bases, or whatever, so it isn't, perhaps, totally as simple as we want to believe it is, and I think we have to try to somehow work out a middle line, and maybe later Bill can tell us whether there is one.

Senator McCain. Mr. Chairman, may I just make one comment, in addition to yours? I agree with what you say, but I think the witnesses have made clear that there has been progress made and we should not deny that as far as the Vietnamese are concerned.

At the same time, these witnesses can provide us with the specific needs that they have in order to carry out their jobs, and I think when they provide us with that, their specific requirements, we can relay those to the Vietnamese, and if the Vietnamese honor those requests, I think it's significant. If they don't, then I think it's also significant.

The Chairman. I thank the Senator. That's a very good point, and if I could ask the indulgence of the Committee just to add one thing to it, with respect to the records, the issue that Senator Brown brought up, I think it is important that those records be sought, that they be provided, and that that inquiry go forward, because for the discrepancy cases those records can in fact provide the resolution of those cases without going out into the field, and the reason for that is that those records may show a particular unit and its activities and what happened to a specific individual. In fact, recently General Vessey was given, I believe, a set of records that were extraordinary in their detail which provide huge insight into what may have happened to people in a particular area.

So I would think there has to be both, is the bottom line.

Senator Grassley. Mr. Chairman, could I make one comment——

The Chairman. Senator Grassley.

Senator Grassley. On what Senator McCain just said? There probably has been progress made in the sense there's an office there, we have people there, there's some dialogue going on that wasn't there before. We have a few days notice to do something now, where maybe it wasn't done before.

But if the Vietnamese Government's desire is to frustrate what we really want, they can frustrate that even with the 1-day's notice, and yet it looks like progress to us. But with the communication, the ability to coach people, the ability to move people around, that can be done in a 24-hour period of time. They have still accomplished their goal, and it looks to us like progress is being made, and that's what we're here to find out.

We're here to find out what our Government knows, first of all, about our prisoners, and then when we find out what our Government knows about prisoners, we then find out whether it's being pursued adequately by the Vietnamese Government. But if the Vietnamese Government wants to frustrate this progress, they can do it with a 24-hour notice, just like they can a few days' notice.

The last thing I would say before I'm done, Mr. Chairman, is I appreciate everything you've said, but I think you and I are politicians. I don't think we want to think too much like diplomats as we look at our effort of oversight. We are not professional diplomats. Part of the problem, I think, of accomplishing this is all the niceties and the other quirks of diplomacy that stop people from really being honest and above-board and frank with each other.

Senator McCain. Mr. Chairman, a quick response. We are politicians, and I think that the people here are best qualified to tell us what the tools are they need to get the job done, and that's why I would rely on their recommendations as to how they think they can best get the job done.

I don't know if it's 24 hours, 2 hours, 20 minutes, or exactly what those procedures are, but I would have a tendency and would the Committee and the Congress would rely on their best judgment, who are the ones we're asking to carry out the job as to what tools they need to get that job done, and I believe they're going to be providing the Committee with those specific recommendations.

The Chairman. I think a number of areas of inquiry have been raised that we should pursue with this panel. I know Senator Kassebaum is waiting patiently, and I thought we were on our way in the transition from politicians to statesmen. Maybe we can do that.

Senator Kassebaum. Thank you, Mr. Chairman. I would like to take advantage of the expertise of all of the panel to pursue the question of fraud and how pervasive it might be.

When Secretary Cheney testified yesterday he mentioned a photograph that I think he said, it was found out then there was a Soviet baker and there were three people in it. When General Vessey testified he said the Vietnamese officials will also tell us that private Vietnamese citizens attempt to recover and hold American remains in the expectation of some sort of benefit.

I wonder if you could comment a bit on this, whether there are citizens who are holding some remains? Is the motivation financial in both instances? Where there are potentially doctored photographs, how pervasive may it be? Can you shed any light on this, Mr. Bell?

Mr. Bell. Yes, ma'am. I don't think for the most part the photographs and the remains are related.

Senator Kassebaum. I realize that they are not.

Mr. Bell. The photographs that we've seen, some are still under investigation, some have been determined to have been extracted from Soviet publications and so forth.

The question of remains in the hands of Vietnamese citizens, we believe, that there are probably some remains in the hands of private citizens who expect to receive some kind of renumeration for their efforts in recovering these remains.

The problem we have is that most of these remains were recovered in an unprofessional manner because they were removed from crash sites. As General Vessey pointed out yesterday, there are virtually no crash sites left in Vietnam that have not already been excavated and scavenged due to the passage of time, due to the economy, because they need the metal.

We have numerous reports in our files that give the name, address, and location of people who have remains that are associated with valid names. But we do not yet have a process. We have an informal process where in the course of our investigations, if we pass through one of the areas that is listed in our records as someone who has remains, we are allowed by the Vietnamese to contact that person and attempt to obtain the remains.

But more often than not the person wants money. And we are not authorized to pay money because that is the policy of our Government. And we inform the person who claims to possess the remains of this policy.

Senator KASSEBAUM. Mr. Gadoury, you work with the Refugee Interview program. Is this something that you have seen?

Mr. GADOURY. Yes, ma'am, but specifically directed toward Lao refugees in the camps in Thailand. The situation in Laos is a little bit different.

My experience since 1985 has been that in the first couple of years it seemed that most people who were coming forward, whether they be refugees or people outside the camps, were coming forward with basically two motives, two primary motives that we saw on a regular basis. One was the refugees inside the camps who hoped that maybe by presenting information about MIA's or POW's they could get some kind of special consideration for resettlement.

And the other one was there were people both inside the camps and outside the camps who were involved with the Lao resistance and they hoped that by somehow providing information to the U.S. Government, that they perceived the U.S. Government to feel important and that that somehow might translate into support, either indirect or direct, to Lao resistance efforts. These are primarily Laotians who are operating along the Thai border, back and forth into Laos.

But the situation changed rather dramatically in 1987, especially after some private groups were advertising rewards for the return of live Americans. Unfortunately, it seems that the word gets skewed, both through the news media in Thailand and from word of mouth from person to person. It wasn't long before people were coming forward in large numbers who had heard through various means that if you provided information, dog tags, bones that you might be able to get part of this large reward that they had heard about.

So then we saw a dramatic increase in numbers of people who were coming forward hoping they could get some kind of renumeration or rewards. Once in a while we would see dog tag reports coming across from Vietnam, across Laos, out through that channel. Word had been handed off from Vietnamese to Lao to Thai.

But that was rather small. The cottage industry of dog tag reports was primarily from Vietnam, not so much from Laos.

Senator KASSEBAUM. Well in that instance, my time is running out, did you work with the private groups? Were the private groups there offering money?

Mr. GADOURY. No, ma'am.

Senator KASSEBAUM. Did you work with them? I thought you said that word got out that they were offering money and that is why large numbers starting saying they held remains?

Do I misunderstand?

Mr. GADOURY. No, ma'am. That was the origin or sense of reporting that we were getting.

Obviously, people would come forward to us with information and would ask us about rewards. And the standard format or situation may be that a Thai would come to see us and say they were contacted by a Laotian, maybe their relative or a friend, and they had remains in Laos. And they've heard that there's rewards and they could then cross the border if we could certify we would pay a reward.

Senator KASSEBAUM. So I guess all three of you do not necessarily feel there is a network capitalizing on this in any way there, either with fraudulent photographs and/or trying to get rewards from perhaps saying they have remains?

Colonel COLE. Ma'am, I think there is evidence of a network that we discovered in our investigation along the Thai/Cambodian border and in Cambodia in follow-up to the alleged Robertson, Stevens, and Lundy photograph in July, August of this past year.

We found evidence of a number of known individuals who had worked in selling this kind of information before involved in the pictures. And this was the group that we found the pictures out of the Soviet publications on.

However, we've been unable to follow-up with probably the ring leader of this group who has gone underground. He's a ceramic tile merchant down in Pong Song. And on numerous trips to Cambodia, I've talked this over with Senator Kerry before, we've been looking for this guy. We've asked the Thai authorities to help. We don't want him arrested necessarily. We just want him made available for questioning. We think he's in Thailand someplace, but we've been unable to find him to follow-up on the activities of this group.

Mr. GADOURY. If I may add to that, I think we've experienced and we've seen several small groups of people who have conspired to try to fabricate or to look for information which they felt they might be able to bring back and to somehow translate into a reward or some type of a payment.

Senator KASSEBAUM. Well it certainly is a cruel hoax. It would seem to me that something—it is something we should be mindful of during these hearings and find a way to encourage that it be addressed in some way.

The CHAIRMAN. Senator, we are going to be looking very specifically with staff, specific staff assigned to the entire hoax picture. We will probably have, maybe, even a separate set of hearings, depending on the committee's wishes regarding that.

And we will be working closely with Carl Ford and with the authorities involved in this in order to see if there are not ways to deal better with this network and with the hoax effort. And we think there are. And we are going to work with you on it.

Colonel COLE. Sir, could I suggest that when you make your visit out to Thailand and Cambodia, Laos, and Vietnam, that we maybe even take the Committee out to site 2 where we found four or five of these many rings operating involved in picture and information trafficking, just to introduce you to the local environment, sir. Maybe it would help.

Senator KASSEBAUM. Thank you very much.

The CHAIRMAN. Thank you very much.

The Committee decided to do it, but it wants good helicopters.

Senator Reid.

Senator REID. Thank you, Mr. Chairman.

Gentlemen, the American public is concerned. That is why we are holding these hearings.

Let me start by asking, did any of you have any information or any knowledge or belief that there were Americans alive in Vietnam after Operation Homecoming terminated?

Mr. BELL. Yes, sir.

Senator REID. You do believe there were?

Mr. BELL. Yes, sir.

Senator REID. The other gentlemen?

Colonel COLE. No, sir.

Mr. GADOURY. No, sir.

Senator REID. Would you tell me, Mr. Bell, upon what you base your statement?

Mr. BELL. Well, sir, at the time of the POW release, I don't think there was any hard evidence to indicate that.

But I think after we began to interview refugees and based on the investigations that we've conducted in the field and overall, I think we can say that with certainty now.

Senator REID. And you can supply to the Committee what information you have at your disposal that would give us that certainty?

Mr. BELL. Yes, sir.

Senator REID. How many examples do you have that you could give the Committee?

Mr. BELL. I would have to check the records on that, sir.

Senator REID. Would be it 6 or 12 or 20? I am not pinning you down to an exact number, just a generalized figure.

Mr. BELL. Possibly 10 or less, sir.

Senator REID. And you will spend some time in the near future and go over your materials and give us that information?

Mr. BELL. Yes, sir.

[Classified material provided to the Committee.]

Senator REID. Next question. Prior to Operation Homecoming or any time thereafter, do any of you gentlemen have information that there could have been or there were Americans transferred to a country other than Laos, Cambodia, or Vietnam, the Soviet Union, or some other place?

Mr. GADOURY. No, sir.

Colonel COLE. No, sir.

Mr. BELL. I don't think there's any hard evidence of that, sir. But the possibility does exist.

The mortician, he gave very good testimony, which I think the entire community of the POW/MIA community considers as credible. And he also provided testimony about at least two other individuals in addition to Mr. Garwood that he saw and the presence of those individuals has not been determined for the past few years. There is a possibility that their location has been moved.

Senator REID. Again, Mr. Bell, in addition to the other work that I have asked you to do, if you would supply to the Committee what detailed information you have regarding those two or three other examples that may exist in relation to the transferral that I just asked?

Mr. BELL. Yes, sir.

[The information referred to follows:]

The message regarding Garnett Bell's testimony to the Senate Select Committee on POW/MIA Affairs and the Mortician's file now in the process of being provided to the Committee contain detailed information requested by Senator Reid.

Senator REID. The last question in this line of questions that I have. Do any of you gentlemen have any information that there are people alive now in Southeast Asia?

Mr. BELL. No, sir.

Mr. GADOURY. No, sir.

Colonel COLE. No, sir. But I don't think we can deny the possibility, given the fact that we have a number of unresolved live-sighting reports. And I hate to use the term gut feeling, but having been, if you will, out of this Committee of three, the johnny-come-lately to this issue, having been assigned to this job since only August 1990, I don't think we can close the door, sir.

Senator REID. Your gut reaction is then?

Colonel COLE. That there's somebody or someone or several numbers of people possibly living freely, if you will, in that category either in Laos or in Vietnam.

Senator REID. This then is along the lines of our first witness when we started yesterday, Secretary Cheney saying that he did not know, but anytime there is a live sighting he would assume there could be something to that. And he was going to do everything he could through you gentlemen and others to determine if, in fact, that is the case.

Do you agree with Secretary Cheney's statement?

Mr. BELL. Yes, sir.

Mr. GADOURY. Yes, sir.

Colonel COLE. Yes, sir.

Senator REID. Secretary Cheney is a lot like we are, though. He does not know a great deal, not having been on the ground, not having worked as you each have. You have spent years of your life working on this one issue, about which the Committee is just now getting educated.

So you understand that not only Secretary Cheney, but each of us has to rely on people like you who are the experts to do this work for us. Do you all acknowledge that?

Mr. BELL. Yes, sir.

Mr. GADOURY. Yes, sir.

Colonel COLE. Yes, sir.

Senator REID. My question, then, is one similar to one Senator McCain asked, and there could have been other Committee Members that asked the question. What you need to tell us is what more could we, the U.S. Government, do to help you do a better job? Mr. Gadoury?

Mr. Gadoury. Sir, in relation to Laos, I think the fundamental problems, especially in terms of investigating live sightings, discrepancy cases, is a matter of access.

Then beyond that it is a matter of having the resources in country to do the job that we need. Of course, the most obvious example there is this helicopter issue, which is being worked on, trying to find some solution to solve that.

But access in terms of being able to get real time access to sites is something we need to work toward. And, obviously, in the case of the Lao we have only this year begun to investigate these discrepancy cases and photo allegations. And of course, it has to be a developmental process. And it has to be a process in which both sides learn to trust each other more. We're moving toward that, but we still obviously have a long way to go.

Senator Reid. Mr. Chairman, I know the red light is on. Could the other members complete their answer? Colonel Cole?

Colonel Cole. Sir, my comments are ditto Mr. Gadoury. But I would also add that we had in my little unit, we're being increased in size from 9 authorized, I have 8 on hand, to 18; we're getting 9 more. DIA has been very supportive and we're going to be getting those people.

But what I'm standing fast on and I'm receiving the proper support from my superiors is, I want people who are qualified. Sometimes in this business, particularly at least as far as the U.S. Army, in my personal experience, language is treated as a storable commodity, language ability. If a guy is going to be a Vietnamese linguist for me, he dammed well better be able to go out there and operate and debrief, or I flat won't take him.

I had a case about 2 weeks ago where I was supposed to be assigned someone on temporary duty. I engaged him in a phone call and found out he had a 1/1 level in the language. I turned that man around and I got the proper support. But what I'm saying now is we're going to get those nine people, but they better be qualified people. And with those people, we'll be able to perform our mission.

Senator Reid. Mr. Bell?

Mr. Bell. I feel basically like Colonel Cole does, sir.

We have the potential in our office in Hanoi. We've been informed we will have a possible expansion and I hope also to get qualified personnel who are highly skilled and language-trained with years of experience in investigation and case analysis. I don't know when this expansion will take place.

I understand that the Hanoi office will be working full-time on a daily basis on the discrepancy cases. And we're very anxious to get started on that.

Senator Reid. Thank you a lot, Mr. Chairman. Great panel.

The Chairman. Thank you very much, Senator Reid.

Mr. Bell, with respect to the observation you made about people being alive, did you communicate that at that time in any way?

Mr. Bell. I don't understand, sir.

The CHAIRMAN. When you say you believed, you were then in intelligence and an official observer of this process, correct? You made a determination that you thought people were alive, correct?

Mr. BELL. We had information of Americans being held at that time, sir, but it was not correlated to any specific individual. In the ensuing years through refugee interviews and through cases that we've investigated in the field, I think we've been able to correlate some of the information that we had at that time to specific individuals. And not only have we correlated these reports to specific individuals, we have included this in the investigation process in Vietnam. And we have gone to the Vietnamese and asked to visit those sites.

The CHAIRMAN. And when you say in the ensuing years, are you talking about recently?

Mr. BELL. Yes, sir. I'm talking about, from the standpoint of refugee interviewing, over the past, I guess, 9 years or 10 years, but over the—from the standpoint of the investigation process in Vietnam since September 1988.

The CHAIRMAN. You have been able to correlate it and confirm it.

Back then you had information that they were alive, correct? And you are talking about what? 1975 through 1979 or later?

Mr. BELL. 1973, 1974, and 1975 we had reports saying that Americans were still being held, but they were unconfirmed.

The CHAIRMAN. Now do you know whether or not superiors to you and the Government in Washington had reason to believe those reports at that time?

Mr. BELL. No, sir.

The CHAIRMAN. You do not know that?

Mr. BELL. No, sir.

The CHAIRMAN. Do you know whether or not any efforts were made to follow-up on those reports at that time?

Mr. BELL. Yes, sir, there were some efforts made. But due to the situation, the evacuation and so forth, and we lost access to the country and we weren't able to pursue those until we began the interview process when refugees began to flee the country in 1979, 1980.

The CHAIRMAN. You say the numbers were somewhere in the vicinity of 10 or less, approximately. Is that accurate?

Mr. BELL. Yes, sir.

The CHAIRMAN. Was this in Vietnam or in Laos?

Mr. BELL. Vietnam and in Cambodia, sir, along the Cambodian border.

The CHAIRMAN. Were there any efforts that you have participated in to conduct rescue missions of people in Vietnam of supposedly held individuals or sites?

Mr. BELL. Is this during the wartime years, sir?

The CHAIRMAN. No, post-wartime.

Mr. BELL. No, sir.

The CHAIRMAN. None at all. Do you know of any efforts the Government supported or otherwise that involved an incursion into Vietnam for rescue purposes?

Mr. BELL. Not Vietnam, no, sir.

The CHAIRMAN. Were there such efforts in Laos?

Mr. BELL. Yes, sir.

The CHAIRMAN. Were they Government supported by the United States?

Mr. BELL. I'm not sure if you would term these rescue operations or what, sir.

The CHAIRMAN. Reconnaissance? Would you term them reconnaissance?

Mr. BELL. That would probably be a better description. Yes, sir.

The CHAIRMAN. What period of time would those have taken place?

Mr. BELL. 1981, sir.

The CHAIRMAN. Now in terms of the frustration that Senator Grassley talked about, are you experiencing what you would interpret as willful frustration by the Vietnamese now of your efforts?

Mr. BELL. No, sir. I've been dealing with the Vietnamese for quite a while. I've just now, after all these years, been able to get a good working relationship with them. But the frustration factor is not really that great because it's anticipated.

And generally speaking on this issue, I think the Vietnamese right now today are just as far along in this issue as they chose to be.

The CHAIRMAN. Does that mean they could chose to be further along?

Mr. BELL. Yes, sir.

The CHAIRMAN. We can come back to that.

With respect to Bob Garwood, have you had occasion to talk to the Vietnamese about the Garwood case?

Mr. BELL. Just briefly, sir.

The CHAIRMAN. Have you been able to draw any conclusions yourself about the circumstances under which Bob Garwood was living there?

Mr. BELL. According to the Vietnamese, sir, he initially came there as a POW and decided to remain. The camp where he was held, due to our field activities in Vietnam, we've been able to ascertain that there were 32 foreigners in that camp, including mostly Americans.

Mr. Garwood apparently dropped out of sight around 1969. The people who were held with him had no idea of his whereabouts until he began to show up in the reeducation camp. During that time we began to receive reports about an American who was operating a generator, repairing vehicles, basically using his skills, English skills, to be able to read the technical manuals and put together abandoned American equipment and repair it.

At that time some analysts within the DIA believed that that was Garwood. But it couldn't be confirmed. And finally we did get some refugees who were able to look at a photograph of Garwood shortly after he came out, and then we began to get confirmations of his locations.

The CHAIRMAN. My time has expired. I do not want to abuse that.

Let me just ask you gentlemen when are you returning in country? Do you know when you are going back?

Colonel COLE. Sir, we're here, speaking for myself, as long as you want us. But tentatively we're planning to go back this weekend.

The Chairman. We do not want to interrupt. I know you have an important mission that is coming up and we want you to be able to do that.

But I would like, since we cannot obviously do everything here in open session, I would like you to make yourselves available to staff over perhaps this afternoon and even tomorrow so we can go into greater detail on some aspects of this while you are here. And then obviously when we come over there will be more opportunity.

Mr. Gadoury. Sir, I'm scheduled to leave with two of the Borah relatives to fly back to Thailand and Laos tomorrow.

The Chairman. Well, we will do it this afternoon in terms of you, Mr. Gadoury.

Senator Smith.

Senator Smith. Mr. Bell, you have obviously seen an awful lot of live-sighting reports in your time.

I am trying to focus on the ones that you are focusing on here, which I know you did not give a specific number, you said approximately 10 individuals. What was so different about those reports that you saw to make you believe or you feel the evidence documented that those 10, or roughly 10, were in fact kept behind versus all the other reports which alleged the same thing, but there has not been a great deal of credence put in those reports?

What makes you focus on these specific ones? Why did you say those 10?

Mr. Bell. Well, basically, sir, because of the locations. The course of the investigation in cases led to those particular locations. And they were confirmed to have camps in those areas. The name associations.

Senator Smith. Would you define that as hard evidence rather than opinion?

Mr. Bell. That's hard to put a definition on that, sir.

For the purposes of an investigation in the field I find it to be hard evidence.

Senator Smith. To your knowledge are any of those 10, whether they be individuals by name or just a group, are any of those so-called 10 that you are referring to now, discrepancy cases? By discrepancy cases I mean those cases that General Vessey has now before him?

Mr. Bell. I think so, sir, yes.

Senator Smith. Do you think or do you know? Do you know for sure?

Mr. Bell. I think two, sir.

Senator Smith. Two of them, but not all of them?

Mr. Bell. Not all of them.

Senator Smith. You said you feel very certain. You mentioned live Americans. I want to make sure, I believe I understood you, but I want to make sure it is clear for the record.

You referred to captive Americans, not deserters, correct?

Mr. Bell. Right, sir. I beg your pardon, sir. Now there may be a question as to the status of two of those individuals, and I'm not sure if it's deserter or what the exact status is.

The Chairman. Are those the two discrepancy cases?

Mr. Bell. One of them is discrepancy, sir.

Let me explain that further. I think it may be a combination of two individuals and one may be a deserter status while the other is a discrepancy case.

Senator SMITH. Any of you can answer this that wishes.

This misinformation that was referred to, is there any evidence that some of this misinformation that is being put out around the country that you folks spend too much time having to deal with, obviously, is there any evidence, anything we can link that back to either the Vietnamese or the Lao as being the originators of the misinformation?

Mr. GADOURY. Sir, I haven't seen any evidence to that effect in Laos. It seems like it's normally done at the individual level or, like I said earlier, small groups of people who have conspired to manufacture something.

Senator SMITH. Have any of you ever seen actual money, hard currency, exchanged in return for any of this information?

Mr. BELL. No, sir.

Mr. GADOURY. Sir, I've not seen any money, although I have had people who have come to me and have told me that they purchased remains, for example, or dog tags from someone else.

And in cases like that they refuse to turn over remains because they wanted to get their money back at least.

Senator SMITH. The three of you and certainly your predecessors have to have the most frustrating jobs, as I analyze what you are saying, on a day to day basis you are analyzing reports, live-sighting reports, past and present, regarding whether or not these reports are accurate or valid in terms of live American prisoners of war.

Yet, you really, because you cannot get total access, as I believe Senator Grassley or Senator Brown pointed out, because you cannot get total access to the country, there is really no way that you can be absolutely certain. And I will leave sources and methods out for a moment. But to the best of your knowledge—let me rephrase the question.

To the best of your knowledge, there is no absolute certainty, with the exception of the 10 that I will leave out that Mr. Bell referred to, for a moment, with those exceptions there is no absolute certainty to the confirmation of any of those reports that you have seen since you have been in your positions. Is that correct?

Colonel COLE. That is correct, sir.

Senator SMITH. Let me just ask you in terms of definition for evidence, hard evidence.

If I traveled to Laos and I came out as a U.S. Senator and told you that I personally interviewed an American prisoner of war. He gave me his name, he gave me enough information that would establish that he clearly was the individual he said he was, in your mind, in your opinion, Mr. Gadoury, is that evidence of a live American prisoner in Laos?

Mr. GADOURY. Sir, as an interviewer, I probably tend not to make a judgment. But I would try to get everything that you have to document it and then send it back to the analysts and let them take it from there to analyze it.

Normally, the procedure is that once the initial report is made, there would be a follow-up interview.

Senator SMITH. In other words, if I, as a U.S. Senator, told you that I personally talked to an American prisoner of war and gave you all the information, you would have to move that to some other analyst?

Mr. GADOURY. Sir, as a U.S. Senator then I would say as a source you have more credibility than some person who just crossed the Mekong River last night.

Senator SMITH. What I am trying to establish here is what evidence is. And what you are telling me is that is not acceptable evidence on its own merit, that anyone of us, a U.S. Senator, who said they saw a prisoner of war in Laos, I want a straight answer on this, you are saying in terms of your evidential standards that that would not be acceptable. Is that correct?

Mr. GADOURY. As the interviewer, I wouldn't make that determination. Although certainly the course that the interview would take would be dependent on my own personal evaluation of the person who was providing the evidence.

Senator SMITH. Where we go from there to establish that as evidence? What else do you need?

Mr. GADOURY. Well, some of the normal procedures——

Senator SMITH. I would like specifics, what, what do we need?

Mr. GADOURY. Well, we use polygraph, we have used polygraph machines in the past.

Senator SMITH. OK, I passed the polygraph three times, four times. And Senator Brown is with me. Then, what? Is that acceptable?

Mr. GADOURY. I don't have the definition of what's acceptable.

Senator SMITH. Can somebody answer?

Mr. BELL. Sir, in the field we're dealing strictly with raw information and field analysis.

Senator SMITH. I am over my time, but I want an answer here. I just want to establish what evidence is.

In other words, Senator Brown and Senator Smith both passed five polygraphs, said we have seen an American prisoner in Laos, and you have not yet told me that that is accepted evidence. I want an answer yes or no. Is that evidence of a prisoner of war in Laos?

Mr. BELL. I would say that would be evidence, sir. You're an American citizen. You give us a statement. I would say that is evidence.

Senator SMITH. Mr. Cole?

Colonel COLE. Evidence, sir.

Mr. GADOURY. Sir, it's evidence.

The CHAIRMAN. Senator Kohl arrived and he has not had a chance to question. So I would like to let Senator Kohl go and then we will go back to the other order.

Senator KOHL. Thank you, Mr. Chairman.

Mr. Bell, you said in response to a question from Senator Kassebaum that you knew of people in Vietnam who claimed that they had remains but wanted money for them.

Mr. BELL. Yes, sir.

Senator KOHL. What have we done about that?

Mr. BELL. We have approached the Vietnamese for assistance. And the Vietnamese have informed us that there is no possible way that they can obtain the remains because they also have a program that they do not pay for remains.

Senator KOHL. That sounds like——

Mr. BELL. The Vietnamese have suggested a program where we jointly examine remains with our anthropologists in the Hanoi office. And if the remains are identified as an American, then that person be paid a specific amount of money to reimburse him for his expenses.

Senator KOHL. Why have we not followed through on that?

Mr. BELL. This has been reported, sir. But it is U.S. Government policy that although we willingly receive information and remains alleged to be American, we do not make payment.

Senator KOHL. And so for that reason we have not followed through? For that reason we have not followed through on the claims of the people who say they have remains but want to be paid for them? Because we will not pay any money for remains, therefore, we have not been able because of our policy, to find a way to follow through on that?

Mr. BELL. We followed numerous reports down to a person who claims to have remains. But they are unwilling to turn over the remains without payment. So the remains are still in their possession. Yes, sir.

Senator KOHL. And we have made no demand of the Vietnamese government that they see to it that those remains are turned over to us?

Mr. BELL. Most of these particular reports have not even been addressed yet, sir. Most of these reports are classified. Most of these reports were collected by the JCRC and refugee camps. Some of these people have been willing to allow their name to be used, some of the people have asked that they contact the individual, that U.S. officials contact the individual in Vietnam, but to not release the person's name as being someone who acted as an intermediary.

But the few reports that we have addressed, we have gotten little response from the Vietnamese. We have had some success in obtaining remains which were confiscated by public security personnel in Vietnam.

Senator KOHL. Well, it seems to me in terms of our responsibility to the families that are involved, it seems to me the sort of a situation in which families here in this country feel that we are not doing enough for them.

If someone claims to have remains and is prepared to turn them over for whatever payment and we say we will not do that and we cannot do that, then it is not hard for me to understand and I suppose for you to understand how anguished families would be over that kind of a condition that we attach to obtaining remains.

Mr. BELL. Yes, sir. I understand how the families feel. But I understand the people in Vietnam, because in the past we did have a reward program during the time the war was going on.

Up until the time that Saigon fell there was a program for payment. The people know that. And the people feel that if they wait till the conditions return to normal again, that there will again be another program for payment.

Senator KOHL. Why do we not deal through the Vietnamese government and let them handle the question, but obtain those remains for us on behalf of the families involved?

Mr. BELL. Because U.S. Government policy says we do not pay for remains.

Senator KOHL. Let Vietnam pay for the remains.

The CHAIRMAN. The Vietnamese counter-argument to that would be that they have 200,000 MIA's of their own and they cannot even get their remains. And they do not have the money. So you run into, we have been through that a little bit with them.

The problem you also get is that once money enters into the equation, there are so many bones in Cambodia, Vietnam, and Laos that are extraordinarily hard to distinguish between foreign, indigenous, animal, whatever that you will have then created an incentive for any kind of bone to be masqueraded. And it becomes a major problem.

So I think the policy has been reviewed. And many people feel that it is a tough situation. I think the Senator is on the right track by insisting, though, that the government of Vietnam ought to be called on to help those individuals be forthcoming. And I think that is absolutely a good point.

Senator KOHL. Thank you, Mr. Chairman.

The CHAIRMAN. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

Let us try and clear up this issue a second about what is conclusive or not. It is not up to you to make the decision as to whether the testimony of two Senators who were polygraphed as correct or not? Is that correct? It is not in your area of responsibility.

Colonel COLE. Sir, you are 100 percent correct. In the intelligence information report format it clearly states on the report. And this is not just in the POW/MIA business. This is in the DIA HUMINT reporting system world-wide. This is not evaluated intelligence.

Senator MCCAIN. And the fact is, from the years of experience you all have had in the business, if two Senators did testify to that and passed polygraphs, that it would be accepted by your superiors as conclusive evidence. I mean, let us face reality. So I think there is a legitimate question as to what constitutes evidence or not.

But to say that evidence of two Senators who were polygraphed would not be accepted by the DIA as conclusive evidence, I think, is just inaccurate.

Let me go back again because Mr. Bell has raised a very serious issue.

Mr. Gadoury and Colonel Cole, you do not believe that there was Americans alive at the conclusion of the war, the United States involvement in IndoChina, is that correct, from your previous statement?

Mr. GADOURY. I'm not saying I don't believe that. I'm saying I have not personally seen any evidence of that.

Colonel COLE. My opinion is identical.

Senator MCCAIN. Neither of you have seen any evidence that would convince you?

Colonel COLE. No, sir.

Senator MCCAIN. But Mr. Bell who obviously has his experiences, which are of great value, does believe.

Mr. Bell, I would like to get a little specific. Outside of McKinley Nolan, can you give me one example, specifically, of a case you believe an American was alive?

Mr. BELL. Yes, sir. But I'm not sure if we should discuss it here.

Senator MCCAIN. OK. But you can?

Mr. BELL. Yes, sir.

The CHAIRMAN. Senator, this will not come out of your time, but I just instructed staff to spend some time with Mr. Bell, Mr. Gadoury, and company before they go back. And we will go through a formal deposition.

Senator MCCAIN. Mr. Bell, let me also make this clear.

Since that period of time you have not seen any hard evidence since that couple-year post-war period. Is that correct?

Mr. BELL. I really can't remember, sir.

Senator MCCAIN. In other words, say in the last 7 years, have you seen any hard evidence that indicates to you——

Mr. BELL. Yes, sir.

Senator MCCAIN. When was the most recent case where you have seen evidence that has led you to believe Americans are alive?

Mr. BELL. It's a combination of evidence, sir.

Senator MCCAIN. The latest being?

Mr. BELL. A combination of reporting.

Senator MCCAIN. The latest report being this year, last year, the year before?

Mr. BELL. Possibly in the last 3 or 4 years, I would say. I would have to look the report up.

Senator MCCAIN. The last 3 or 4 years you have seen some evidence that Americans are alive in Southeast Asia?

Mr. BELL. That were alive, sir. I don't have any evidence Americans are alive now.

Senator MCCAIN. But were alive during that post-war period?

Mr. BELL. No, sir, that the report was received during that period.

Senator MCCAIN. During which period?

Mr. BELL. The last 3 or 4 years, sir.

Senator MCCAIN. The last 3 or 4 years you have reason to believe there was Americans still alive?

Mr. BELL. That were alive, sir.

Senator MCCAIN. When?

Mr. BELL. After the POW release, sir.

Senator MCCAIN. For how long?

Mr. BELL. I'm unable to determine that, sir. Possibly 2 years, 3 years.

Senator MCCAIN. And obviously this information was relayed up the chain of command?

Mr. BELL. Yes, sir.

Senator MCCAIN. Is it your view that the reason why there was not sufficient pursuit of this hard evidence as you believed it to be or it was, was due to mindset to debunk a feeling that we want to put this whole war behind us and we do no want to look at these cases?

Or was it a combination of that and the fact that the United States basically was out of the area, as you mentioned earlier, as of

1975, and did not have the ability to pursue the evidence that you described? Or was it any other factors besides that?

Mr. BELL. No, sir. We're still pursuing those reports.

Senator MCCAIN. At the time, why did we not pursue them at the time?

Mr. BELL. Because the information was inadequate and we did not have access to Vietnam at that time to begin the investigations.

Senator MCCAIN. Do you believe there were any other reasons?

Mr. BELL. No, sir.

Senator MCCAIN. Thank you. I look forward to discussing the information that you have about this particular incident.

By the way, Mr. Bell, how much of your time is taken up in the office in Hanoi with people who come in off the street and say I have this evidence, I have this information and I would like to sell it or not, that you believe is just because they have other reasons than to try to give you information which is necessary to resolve this issue?

Mr. BELL. That's difficult to say, sir, because we have active periods and inactive periods. During the time that we've been open, the people who have that type of information are becoming more aware of our presence and the number of people coming to our office has increased.

We've had live-sighting reports. We have also had reports of remains and graves and crash sites. And several of these reports are associated with valid names and identification media, I.D. cards, dog tags, what have you. And our forensic anthropologist has examined the remains and made a summary report on that and retained those remains to be reviewed jointly and possibly taken back to CIL–HI for further examination.

The people who claim to have the remains in their homes or in the outlying provinces are similar to the same situation that I discussed earlier with Senator Kohl. They will not bring the remains in, the entire remains in, unless they receive some type of remuneration for their expenses incurred as they call it.

Senator MCCAIN. Thank you, Mr. Chairman.

Mr. GADOURY. May I add something to that?

The CHAIRMAN. Yes.

Mr. GADOURY. In terms of Laos, we get a great number of people who bring information in. A lot of it as far as we can tell does not correlate. Usually there are dog tag names associated with it, it's not credible information usually, because the dog tag name is not a name that is on the list.

There are a smaller subset of people who bring information which looks like they probably have been to a crash site and they probably have taken remains away from the crash site and put them someplace else in hiding until such time as they can determine who might be paying this reward or they might be able to cash these remains in.

The CHAIRMAN. Let me just say, I am sure I speak for the Committee, and I do not mean to be presumptuous in saying that, but the notion that you know who is holding remains and that those remains are being held pending some payment is unacceptable.

And clearly the government of Vietnam and our Government had better sit down and talk about this and resolve that. I think all of us would feel that the government of Vietnam has an obligation if it indeed has accepted this issue as a humanitarian issue which we continually hear, to see that for humanitarian reasons those remains are returned without any further demand for payment. And I think everybody would feel that very strongly with respect to the issue of the evidence.

In that time period, I would like to just try to get something straight in my mind just very quickly, Senator, let me ask this question. Secretary Kissinger wrote a letter on 2/1/73 in which the United States promised to pay for post-war reconstruction in North Vietnam $3.25 billion over 5 years. Operation Homecoming took place a month later, 2 months later, March of 1973. A month after that the Senate voted to bar aid to North Vietnam unless Congress approved. And there was Congressional opposition to the aid.

A week later the Defense Department issued a statement, quote, "There are no more prisoners in Southeast Asia. They are all dead." Now I take it that you are saying, Mr. Bell, that you disagree with that finding, that statement of the Defense Department is in error, according to you. Is that right?

Mr. BELL. Yes, sir.

The CHAIRMAN. And is it in that sequence of time that you believe these 10 or so people, there was evidence that they were still alive?

Mr. BELL. Subsequent to the POW release, yes, sir.

The CHAIRMAN. Senator Brown.

Senator BROWN. Thank you. Mr. Gadoury, I did not want to pursue the credibility of Senators. I was hoping we would have something a little firmer to focus on.

But I did want to revisit your comment to see if I can get a better understanding of it. Am I to understand that you have not seen any statements from people who were eye witness accounts that say there are POW's left in Southeast Asia?

Mr. GADOURY. Sir, I've talked to many people, hundreds of refugees, people outside the camps, along the borders, travelers, what not, and there have been a lot of those cases that have related to dog tag stories with maybe remains associated, maybe not. And then there have been a number of hearsay stories, probably a fairly significant number of hearsay accounts of MIA/POW's.

And in my 6½ years in Bangkok, probably only two or three people that I've talked to directly who have given me what they termed to be first-hand information about POW's in Laos. And this was, I want to add, before Stony Beach was brought into Bangkok in 1987. There was a period of time where I was the primary interviewer and the person pursuing the information relative to Laos and Thailand as a full-time job.

Senator BROWN. You say you have seen a couple, but that is about it?

Mr. GADOURY. Yes, sir. But I need to add to that that those people were pursued, they were re-interviewed, they were polygraphed, and they were determined after that whole process not to have credible information.

Senator BROWN. I take it what we are seeing is those several who flunked the polygraph test or could not be confirmed by the polygraph test.

Mr. GADOURY. One person I was directly involved with, he absolutely flunked the test, did not pass the test. There was deception clearly indicated. The other person in which I participated in the polygraph, the test was neutral and it was determined that—in fact, I was there as he was switching his story almost 180 degrees, but the polygraph was straight. He had some difficulties, I guess, in his own mind determining what was true and what was not true. And the bottom line was he was not a credible witness.

Senator BROWN. Near as I can tell we do not have polygraphs for the Senate.

One of the areas I thought might be worth following up is we have had some folks who were refugees from Laos related to the Hmong tribesmen. And as I understand, they not only played a significant role in the conflict, but there is also a fair number of them who are refugees in Thailand. Have you had occasion to talk to a number of those?

Mr. GADOURY. Yes, sir. Many of the people I've talked to have been Hmong refugees.

Senator BROWN. The ones we have talked to indicate that it was fairly common belief among at least the refugees that they knew that there were Americans held in Laos. Have you heard the same thing?

Mr. GADOURY. Sir, I've talked to a few Hmong who have given me information about Caucasians in Laos. And generally those people, the information that has been provided by those people has been later correlated to possible sightings of Soviets in the area around Xiang Khouang, the airfield up at Point Savon for example, where there are known to have been Soviet advisors, things like that.

I have never talked to a Hmong person who gave me any clear information or definite information about an American, no, sir.

Senator BROWN. So you have heard the hearsay, but you have not been able to check it out?

Mr. GADOURY. We have checked out every person that we've talked to—every person that we've talked to, gotten information, it's been reported and followed-up on if necessary.

Senator BROWN. I am not sure which one of you might be the appropriate one to respond, Colonel or Mr. Bell, but in a number of publications there has been a recounting of the activities of the Vietnamese government following the French-Indonesian conflict, a suggestion that indeed they held back French POW's in the interest of gaining payment of some kind. In fact, there was suggestion that there was payment.

As far as you know, is that an accurate account? Did they indeed hold back POW's expecting payment?

Colonel COLE. I can't answer the question, sir.

Mr. BELL. They had several Frenchmen who remained, but I'm not sure of the status and I don't know of any payment that was made, but there were quite a few Frenchmen that remained there until the early 1970's.

Senator BROWN. Are you aware of them being held against their will?

Mr. BELL. No, sir.

Senator BROWN. So none of you have any knowledge of that background that's been printed in a number of areas?

Colonel COLE. I've seen the articles, sir, but I just can't speak for them.

Senator BROWN. You all have varying degrees of contact with the area, but obviously among the three of you, a great deal of contact. Have you ever picked up a suggestion by a representative of the Vietnamese Government that in exchange for payment of some kind or a trade of some kind they might be willing to release POW's?

Colonel COLE. No, sir.

Mr. BELL. No, sir.

Senator BROWN. Not even suggestions of any kind like that?

Mr. BELL. No, sir.

Colonel COLE. No, sir.

Senator BROWN. That there might be something that could be done that would result in POW's?

Mr. BELL. None whatsoever, sir.

Senator BROWN. What kind of feedback do you get in informal discussions with Vietnamese that you meet in the field in terms of this question?

Mr. BELL. The general feedback we get from the Vietnamese in the field regarding the live-sighting issue, sir, is that there are no Americans remaining in Vietnam, without question.

Senator BROWN. Same in the Laos area?

Mr. GADOURY. Yes, sir. The officials that I've worked with in Laos are generally very forthcoming and helpful to the extent they can. My feeling is that they are very sincere and try to help us, as they have permission from their own Government and once an agreement has been made to carry out a field operation.

Senator BROWN. If that's the case, why the reluctance on their part to allow access?

Mr. GADOURY. Sir, I think that's something that would be addressed at a higher level. I'm talking about at the operational level, once the decision has been made and agreement made between the U.S. and Lao Government.

Senator BROWN. Thank you.

The CHAIRMAN. Thank you, Senators. Senator, let me just say for housekeeping purposes we will wrap this panel up not too long from now. We will then move to the veterans' perspective, and it's my hope to start with the families right after lunch, or shortly after lunch, so we will get to the families almost immediately this afternoon. I know I'm flipping things around a bit, but if people will bear with us, I think that would allow us to have the sequence we sought.

Senator REID. Mr. Chairman, could you tell us, are you going to break for lunch or not?

The CHAIRMAN. We will break for lunch. It's now 12 noon. I think we need to finish this round and then have the veterans' perspective and then, depending on when we break, we will most likely come back at 2 p.m. and either begin with the families or shortly thereafter move to families and then wind up with the last panel, Mr. Nagy and company.

Senator Grassley.

Senator GRASSLEY. Thank you, Mr. Chairman.

Mr. Bell, has there ever been any evidence of the Vietnam Government directing any misinformation program on the POW/MIA issue?

Mr. BELL. I think you'd have to check with the DIA special office for that, sir.

Senator GRASSLEY. What you're saying is, you don't know of any?

Mr. BELL. Not any confirmed.

Senator GRASSLEY. Or it would be wrong for you to tell us that?

Mr. BELL. A combination of both, sir. I don't have any confirmation of that, and that's not my area.

Senator GRASSLEY. Do you know if there's any evidence of it, even though you can't confirm?

Mr. BELL. I believe the DIA POW/MIA outfit may have some evidence of that, sir, but you'd have to check with them.

Senator GRASSLEY. For all of you on the panel—let me start at that end of the panel so you don't think I'm only directing everything toward Mr. Bell. What recommendations would any of you give that would help us as this Committee—no, I don't mean just this Committee—but our entire Government continues investigating live sightings.

I'd like to have you be as candid as possible. Let me say, why be candid? Because this is your opportunity to give some advice on what can be done to fix the system, if it's broken.

Mr. GADOURY. Well, sir, in Laos, like I said earlier, I think it's fundamentally a question of access, and I think we're talking ultimately of real-time access, and then having the resources to bring the teams in and do the job and get to where we need to get to.

But one of the problems we've already been running into, as we've only recently started doing live-sighting investigations and discrepancy case investigation in Laos, is that the infrastructure in Laos is poor to nonexistent in many of the areas that we need to get to, and as an example of that, when we went to Attapeu Province a few months ago in the middle of the rainy season we just—as the local officials indicated to us, and we saw clear evidence of it as we were flying out in our helicopter to Mang Mai, the capital of Attapeu Province, there was widespread flooding.

The roads were washed out. In some cases the bridges were out. When we landed in the capital, we were told that we couldn't even get across the river because the ferry landing had washed out and there was no way to get any of the three vehicles which the province possessed across the river to get onto the road, and if we did we wouldn't be able to travel very far.

Senator GRASSLEY. Before Colonel Cole answers, just for clarification purposes, I think what you just told me is that things that need to be changed to make our live-sighting investigations better come with changes that will be made in Vietnam with the Vietnamese Government. Is there anything you have to suggest that our Government can do differently?

Mr. GADOURY. Sir, I was addressing Laos.

Senator **Grassley**. Laos, Vietnam, or any of the countries you're talking about. Is there anything in our procedure, as far as what we have done as an American Government for the last 16 years, that can be changed or improved?

Mr. **Gadoury**. Sir, I think we have the mechanism to conduct the investigations on our side, and all we're waiting for is that access and the ability to get to those places where we need to go.

Senator **Grassley**. Things, the way they're handled in the bureaucracy—no suggestions on improvement in that area that could help us to do a better job?

Mr. **Gadoury**. Frankly, sir, I don't have any suggestion at this point. I think the mechanism is there. We just need to have the cooperation to utilize that mechanism.

Senator **Grassley**. Colonel Cole, maybe if you could address what I asked to be clarified about, as well as whatever you wanted to say?

Colonel **Cole**. Sir, I've been in the job 14 months. I've seen tremendous improvement in the last 4½ to 5 months under Bob Sheetz in the POW/MIA office, Mr. Nagy in DIA overall. We've got this train on the track. All we need is those qualified people that I mentioned in response to Senator Reid's question a few moments ago.

My only personal, if you will, thought on this to add is that yesterday we heard that we're going to as yet undergo another reorganization CINCPAC JTF. As one of the operators down at the lowest level, all I ask is, whatever we've got going now not be disrupted by the coming organization or reorganization. We got the apparatus in place, we're getting the qualified people, let's go with it.

Senator **Grassley**. Mr. Bell?

Mr. **Bell**. Yes, sir. I think I agree with everything that Colonel Cole just said, and I'd like to add that in addition to not disrupting what we've got going, I think it's important that we have some quality control, experienced type of personnel in the analytical function.

Right now, for example, in my Hanoi office I have an analyst that's 25 years old, and he is the analyst for the Hanoi office right now, and he is a bright young man but he has no experience. He's been in Vietnam maybe a month, and for the type of work that we do there, I think we need some experienced personnel.

The discrepancy cases and live-sighting cases should be done, in my opinion, by the DIA, and they should work closely with us on not only the investigations themselves but also the follow-up and the coordination with Colonel Cole to obtain additional information from sources no longer under Vietnamese control in refugee camps.

Senator **Grassley**. Colonel Cole, of the 102 new personnel that Secretary Cheney referred to yesterday, how many will you get who will be hands-on investigators of live sightings?

Colonel **Cole**. Nine people out of that total, sir.

May I just add another sentence here, sir? Yesterday it was briefed to you by Mr. Ford it was going to be seven. The reason he didn't know about the two additional people is I've got two extra slots I'm going to be picking up from Mr. Sheetz, but those will all be investigator debriefers, so I'll have nine additional people out of that total, sir.

Senator GRASSLEY. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Grassley. Senator Reid.

Senator REID. Mr. Chairman, thank you very much. I'll try to be brief.

Do you have auxiliary help? For example, do you use the natives, for lack of a better word—the Vietnamese and Laotians—to do interpreting or anything like that?

Mr. BELL. Yes, sir. We have a pool of translators, and what we are using the translators/researchers for are historical publications of great volume. In other words, we look to these translators to screen the material and try to pinpoint publications from Patin historical documents that relate to particular units that were assigned to areas—specific areas during the war.

By doing so, we can determine which units were in the area and then make requests for cadre who were assigned to those units who might be potential witnesses to provide leads.

Senator REID. The answer is the same from the two of you?

Colonel COLE. Yes, sir, except with the possibility of Cambodian ops. We're just getting into this. We turned in a suggestion last week of how, from the live-sighting perspective, a new office should be established. We realize this has to be a task force approach, but we don't have anyone in Cambodia so far.

We don't have an office, but our plan at least from the live-sighting side is we have several Cambodians in the refugee camp at Site II who have been working for us for a number of years. All of those people are eventually going to be repatriated. We're hopefully going to be able to bring them down to Phnom Penh when and if the approval is given to go ahead with an office.

Senator REID. We have heard you, Mr. Bell, and others talk about the fact that because we have not been willing to pay, nor has the Vietnam Government been willing to pay for the remains of people, that we have not been able to determine if in fact they are remains of people, and in fact if they're people, whether they're Vietnamese, American, or whatever, right?

Mr. BELL. That's correct, sir.

Senator REID. The question we haven't asked is, how much money would it cost to get those remains if in fact someone was willing to pay for them?

Mr. BELL. We have heard a number of figures mentioned, sir, but nothing definite.

Senator REID. Give me an idea what you think it would take? $50? $1,000? What would it take?

Mr. BELL. I just couldn't put a price on that, sir.

Senator REID. Anyone else?

Colonel COLE. No, sir.

Senator REID. So you have no idea?

Mr. BELL. No, sir.

Senator REID. Even though you've spent all that time in Southeast Asia? What do you think if we said, okay, we're going to give you some money, how much would you need? How much do you think it would take, based on your experience?

Mr. BELL. I've heard figures mentioned from a few dollars all the way to 10 taels of gold, which would be close to $5,000, sir, so I really don't know. It just varies from person to person.

Senator Reid. I have no further questions, Mr. Chairman.

The Chairman. Thank you very much, Senator Reid. Senator Kohl.

Senator Kohl. Mr. Bell, you said in your testimony that you've worked on intelligence teams that gathered information that are now in the files of some of the MIA's/POW's. Is any of that information that you gathered classified?

Mr. Bell. It's been a long time since I've seen that information, sir, so I'm not sure. At that particular time we were actually in direct support of the Paris peace talks from the national level, and the way I understand the system, any report at that time which correlated to a specific individual is placed in his file. Any report which could not be correlated was placed in the numerous volumes that you see today. I think there's 14 volumes of uncorrelated reports.

Senator Kohl. So you don't know whether or not the information you gathered may or may not be in a classified category?

Mr. Bell. I assume it's still classified, sir.

Senator Kohl. Do you recall that any of that information was so important in terms of classification that now, after all these years, it could not be released to the families?

Mr. Bell. To be honest with you, sir, except for the 105 live-sighting investigations that are now still active, I don't see any reason to classify any of the other information.

We need to use the information in Vietnam in our investigations, and we're not authorized to have classified information present there, and I have already suggested that especially the majority of these reports that were collected in refugee camps during the time that we openly advertised the Joint Casualty Resolution Center as the only humanitarian organization within our Government devoted to POW/MIA, and put up posters and made loudspeaker announcements and interviewed these people in public, I think the only thing that needs to be sanitized or declassified from those reports is the name of the individual who provided the information.

Senator Kohl. So you're saying with the exception of those 105 sightings, all the other information in your judgment should be declassified?

Mr. Bell. Yes, sir.

Senator Kohl. Some of it has, some of it hasn't?

Mr. Bell. That's correct, sir.

Senator Kohl. If you were to make a recommendation you would say, declassify whatever it is that has not been declassified?

Mr. Bell. Yes, sir, except for those live-sighting reports that are still out there.

Senator Kohl. And some of that information might help clarify some of the anguish and concern by families that are trying to find out everything they can about the MIA's?

Mr. Bell. Sir, I noticed in the opening session of the Committee yesterday we were informed that your Committee would also have investigators, and possibly two teams of investigators, and if this information is declassified and made available I think that will speed up the search. I think it will be important to get a different perspective, a different viewpoint, concerning the value of the information.

We, as investigators, look forward to seeing someone else's opinion on this information, and maybe it will be helpful to us in doing our work.

Senator KOHL. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator. We are going to wrap up this panel, because we do want to try to stay on schedule here.

Gentlemen, there are additional questions. The record will remain open either for the submission of written questions or with a certainty that we would like to sit down with you to follow up, and staff would just like to make some further inquiries in the next day or so. So we will do that this afternoon with you, Mr. Gadoury, and we will do it at the earliest convenience with you, Mr. Bell.

Mr. Bell, I probably don't have to say this. You are a person of strong convictions and of enormous commitment and dedication. I cannot imagine anybody possibly influencing you or who ever succeeded in changing an opinion that you hold as a matter of commitment and of your own observation. But clearly if anybody over the course of these next days suggests that somehow you might have been mistaken in your observations or in what you said here, I hope you will feel free to let the Committee know immediately that such an overture has been made.

Mr. BELL. Yes, sir. I'd like to explain again, sir, that this is a position that I have taken and this is not a final analytical position.

The CHAIRMAN. We understand that, and that is why more analysis is necessary. But it is your deeply-held belief; is that correct?

Mr. BELL. Yes, sir.

The CHAIRMAN. And it is based on your personal observations of evidence at the time, correct?

Mr. BELL. Yes, sir, accompanied by the results of our activities that we have been involved in.

The CHAIRMAN. And subsequently you have been able, by virtue of the work you have been doing these most recent years to be able to confirm what your initial observations were?

Mr. BELL. Yes, sir.

The CHAIRMAN. It stands as you have stated, and this Committee will obviously want to look further, and there are a lot of other people and a lot of other things to look at. But we appreciate enormously your candor and your work.

We have only scratched the surface of much of what I think you have to say. We will continue privately and quietly, but I just want to thank you all very, very much. The public has no sense of what it's like to be out in the boonies sometimes, as you are, with a rucksack and living in pretty rough circumstances, day in and day out. I know what a pleasure it is to get back to Hanoi to be able to get a shower or something. And Hanoi is pretty rudimentary.

So you are really, all of you, in Laos, in the jungle or wherever it is that you go, it is often at enormous risk and at continuous discomfort. I just want you to know that we are deeply appreciative of those efforts and very, very respectful of them. We wish you well as you continue this difficult quest. Thank you very, very much, gentlemen.

Mr. Gadoury. Sir, I would submit that the risk we take is certainly not greater than the risk that the people that we're looking for took at one time.

The Chairman. We appreciate that, and we appreciate your recognition of that also. Thank you all very, very much.

If we could ask the veterans panel to come forward, I think we can proceed forward with the next panel before we break.

Gentlemen, if you could take your seats, we are going to swear all witnesses, so I would ask that all of you rise in order to be sworn.

[The witnesses were sworn.]

The Chairman. We would ask you, if you would, to try to adhere to a time limit on your statements, if possible, and we will try to hold everybody to about 7 minutes, if that is reasonable. Is that fair? The clock will tick. Is there any order you have decided on? We will just begin here with Mr. Wallace and will run down.

Welcome. We are delighted to hear from you.

STATEMENT OF ROBERT E. WALLACE, COMMANDER-IN-CHIEF, VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. Wallace. Mr. Chairman and Members of the Select Committee, thank you for inviting the Veterans of Foreign Wars of the United States to appear before this important body. The 2.9 million members of the VFW, to include our Ladies Auxiliary, consider the recovery and return of over 2,200 of our comrades from the Vietnam War to be of the highest priority.

In your invitation to me to testify, you asked if the Veterans of Foreign Wars was satisfied with the government's handling of this important issue. The simple answer to your question has been, and is now, no. We are not satisfied with the government's effort to recover our missing comrades.

Since 1968, the VFW has been in the front ranks on this issue. Over successive administrations and Congresses, we have repeatedly pleaded and pressed for more attention, greater resources and higher priority for this issue. And, each year, we were told the government was doing all it could. Yet here we are in 1991 and the issue has not been resolved. Only 310 missing Americans have been accounted for since 1973 and we still have not accounted for over 2,200 men still missing.

My answer is no, we, the Veterans of Foreign Wars, have not been satisfied with the U.S. Government's efforts. Over these past 20 years, we've been told by various government officials of so-called strategies to force Vietnamese cooperation on the POW issue. There have been at least two United States-Vietnamese joint cooperation plans to recover our men, and most recently we have been briefed on roadmaps which will supposedly help get our men back—a lot of talk but little action and no results. No, the Veterans of Foreign Wars has not been satisfied with these efforts.

How could anyone be satisfied, when for nearly 20 years none of these strategies, none of the joint cooperation plans, and none of the roadmaps have produced the results the families of our men and their comrades have been led to hope for and expect?

We have been stunned this past year by a renewed and growing controversy over our government's efforts to recover our missing men. The latest controversy likely stems from the charges brought by the report issued by Senators Helms and Grassley charging that our government ignored evidence of live Americans and indeed worked to discredit such evidence.

Further controversy has been generated by Colonel Millard Peck's allegations that a "mindset to debunk" retards the sense of urgency our government should have about our POW/MIA's. More recently, the public disclosure of a series of photos purportedly of Americans still captive in Southeast Asia has added more fuel to the controversy.

Again, the simple answer to your question is no, we in the Veterans of Foreign Wars of the United States are not satisfied with the government's effort to recover our missing men.

Amid the controversy, what has the government done to explain its efforts, refute these charges, defend itself and restore public credibility in its efforts?

Further, the government continues to shroud its efforts in what we believe to be an unnecessary veil of secrecy. Few pieces of information seem insignificant enough to avoid the secrecy stamp. If we are to believe our government, we must also believe that the POW information buried in their classified files is so sensitive that its declassification would have dire consequences and perhaps even pose a clear and present danger to the national security.

Otherwise, why would the government continue to classify the overwhelming majority of the information gathered on this most important issue? I do not believe the government can regain credibility on this issue or adequately defend itself so long as the very information needed for honest evaluation is kept from public view.

The fact is the government cannot defend itself because it has failed to organize and manage an effective program to recover our men. There are obvious examples of failure.

On July 31, 1991, the Defense Department announced it was nearly doubling the number of personnel assigned to the POW/MIA effort and forming a new office in the Pentagon to handle only POW/MIA matters. Yet, three months later, no POW/MIA directorate has been opened in the Pentagon and no additional personnel have been assigned to that office.

Mr. Chairman, I need to point out that the Congress also carries the burden of failure for its oversight role. Despite numerous hearings and investigations of this issue, the Congress cannot assure us the POW/MIA issue is either well managed or close to being resolved.

As you know, Mr. Chairman, I went to Vietnam last July at your request. In Bangkok we were briefed by members of the Joint Casualty Resolution Center and others involved with our POW/MIA's. This briefing and subsequent discussions left me with the clear impression of the inadequacy of the government's POW/MIA effort.

The JCRC team in Bangkok is hardworking and obviously undermanned. Some of the team lacked language training. Due to personnel and other shortages, their visits to refugee camps are irregular and infrequent. When live-sighting information is obtained, the lengthy and time-consuming reporting channel prevents rapid investigative response and would do so even if the team were adequately manned to undertake an immediate response.

We all recognize, I believe, that the fate of the 2,273 men still missing is not going to be resolved in Washington. It can only be resolved by determined investigation and field work on the ground in Vietnam, in Laos and in Cambodia.

But my recent trip proved the current government effort is not adequately manned, or managed to resolve these cases within the next few years.

So again and in conclusion, Mr. Chairman, I must tell you the Veterans of Foreign Wars of the United States is not satisfied with the manner in which our government has and is currently handling the POW/MIA issue.

After listening to this morning's testimony, I want to add that we are also not satisfied with Vietnam's cooperation. We consider Vietnam's cooperation should include, number one, sharing all information they have collected about live-sightings of Americans, American remains and crash sites; number two, unrestricted and timely access to U.S. investigators conducting live-sighting investigations; three, expedited return of remains supposedly warehoused; four, increased joint U.S.-Vietnamese field investigations; and timely completion of the remaining discrepancy cases and Vietnamese support and cooperation with the Laotian and Cambodian governments encouraging them to assist with U.S. efforts.

Thank you very much.

[The prepared statement of Mr. Wallace follows:]

PREPARED STATEMENT OF ROBERT E. WALLACE

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More recently, the public disclosure of a series of photos purportedly of Americans still captive in Southeast Asia has further seriously challenged Government credibility on this issue.

Again, the simple answer to your question is no, we in the Veterans of Foreign Wars of the United States are not satisfied with the Government's effort to recover our missing men.

Amid the controversy, what has the Government done to explain its effort, refute these charges, defend itself and restore public credibility in its efforts?

Further, the Government continues to shroud its effort in what we believe to be an unnecessary veil of secrecy. Few pieces of information seem insignificant enough to avoid the secrecy stamp. If we are to believe our Government, we must also believe that the POW information buried in their classified files is so sensitive that its declassification would have dire consequences and perhaps even pose a clear and present danger to the national security. Otherwise, why would the Government continue to classify the overwhelming majority of the information gathered on this most important issue? I do not believe the Government can regain credibility on this issue or adequately defend itself so long as the very information needed for honest evaluation is kept from public view.

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As you know, Mr. Chairman, I went to Vietnam last July at your request. In Bangkok we were briefed by members of the Joint Casualty Resolution Center (JCRC) and others involved with our POW/MIA's. This briefing and subsequent discussions left me with the clear impression of the inadequacy of the Government's POW/MIA effort.

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But my recent trip proved the current Government effort is not adequately manned, or managed to resolve these cases within the next few years.

So again, I must tell you the Veterans of Foreign Wars of the United States is not satisfied with the manner in which our Government has and is currently handling the POW/MIA issue.

Each year since 1968, our members have expressed their concerns and views about the POW/MIA issue in our resolutions.

This year in the midst of controversy, ten resolutions concerning our POW/MIA's were passed at our National Convention. These resolutions, which are summarized and attached to my statement, call for an investigation of the POW/MIA issue, revision of the Missing Service Persons Act and disclosure of classified information concerning our POW/MIA's.

These resolutions also clearly state our objections to diplomatic recognition of, or economic aid to and trade with Vietnam or other Southeast Asian countries until we have obtained the fullest cooperation of these countries in the recovery and return of our missing men.

I also call your attention to our resolution to seek new, more active efforts to resolve the fate of the over 8,000 men still missing from the Korean War.

PRISONERS OF WAR AND MISSING IN ACTION

Resolution No. 401

AMERICA'S PRISONERS OF WAR AND MISSING IN ACTION: A NON-NEGOTIABLE MATTER OF HONOR

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that the VFW remains determined to resolve this important issue and supports the President's pledge of highest national priority to resolve the status of Americans still missing and unaccounted for in Indochina; and

BE IT FURTHER RESOLVED, that the VFW urges the U.S. Government to further accelerate government-to-government contacts in an attempt to obtain the immediate release of any Americans who may still be held captive in Indochina and the return of American servicemen and civilians who have died in Southeast Asia and whose remains have not been returned; and

BE IT FURTHER RESOLVED, that while we continue to oppose lifting the economic embargo and the establishment of full diplomatic recognition, it is in the best interest of resolving the POW/MIA issue as quickly as possible to establish a non-diplomatic U.S. Government presence in Vietnam. This U.S. presence could serve as the base for the continued search for and investigation of our missing men as well as other strictly humanitarian matters: and

BE IT FURTHER RESOLVED, that as such opportunity occurs, VFW National Officers should periodically visit Vietnam and Laos to verify that the situation does, in fact, require a U.S. presence in order to facilitate the recovery of our missing comrades and to directly express the VFW's concern and determination to resolve this issue.

Resolution No. 402

REINVESTIGATE THE POW/MIA CONTROVERSY

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that we believe it is absolutely vital to restore public credibility and confidence in the Government's POW/MIA efforts; and

BE IT FURTHER RESOLVED, that despite the diversion of attention, we urge the President to establish an independent public commission and to reopen a full public investigation of the allegations of the Helms/Grassley report and the U.S. Government's past and current efforts to recover our POW/MIA's; and

BE IT FURTHER RESOLVED, that the investigation should also consider declassification and release of such POW/MIA information which would help rebuild public confidence without disclosing intelligence data to others.

Resolution No. 406

CONCERNING THE KOREAN WAR MIA ISSUE

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that the VFW remains determined to resolve the status of Americans still unaccounted for in Korea through lawful and appropriate channels; and

BE IT FURTHER RESOLVED, that the VFW urges the U.S. and Republic of Korea governments to continue to exert the maximum economic and diplomatic pressure on North Korea and to speak out forcefully and publicly when necessary until we resolve this long-standing humanitarian issue; and

BE IT FURTHER RESOLVED, that the VFW, in keeping with United States law and in consultation with the Korean and U.S. governments, seek new, more active efforts to resolve the issue of Korean War POW/MIA's.

Resolution No. 407

SUPPORT PUBLIC AWARENESS PROJECTS

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that the National Organization will:

(1) ensure routine distribution to the field of pertinent, credible and responsible information on a routine basis;

(2) encourage participation in this program by veterans' groups of other friendly nations such as the NATO allies and Far Eastern allies;

(3) encourage exchange of information among State POW/MIA Chairmen, to include publishing up-to-date address lists; and

BE IT FURTHER RESOLVED, that each Department exercise maximum initiatives to maintain the vitality and thrust of the POW/MIA program at Department levels by encouraging such actions as:

(1) display of black POW/MIA flag, subordinate to the U.S. Flag, at any function at which it is proper to fly the U.S. Flag;

(2) work closely with family and concerned POW/MIA organizations at all major events and rendering cooperation and support to them;

(3) encourage support in information exchange at Post levels;

(4) appoint an interested member at Post level to act as the POW/MIA project officer; and

BE IT FURTHER RESOLVED, that the National Organization of the VFW supports the annually announced POW/MIA Recognition Day.

Resolution No. 426

SUPPORT PRESIDENTIAL ENVOY FOR POW/MIA'S

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that we continue to support General John W. Vessey as the Special Presidential Emissary to Vietnam and urge his continued participation in all policy discussions concerning this issue; and

BE IT FURTHER RESOLVED, that General Vessey and/or General Robert C. Kingston continue to review the findings of the Defense Intelligence Agency (DIA) Senior Review Group concerning all aspects of the intelligence effort devoted to the POW/MIA issue; and

BE IT FURTHER RESOLVED, that we urge the Vietnamese government's cooperation with us and urge them to further expand this cooperation so that the fate of our missing men can be quickly resolved.

Resolution No. 431

APPROPRIATIONS TO INTERNATIONAL LENDING AGENCIES

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that future Congressional appropriations to international lending agencies be contingent on such agencies' compliance with strict standards which would exclude loans to nations that give aid and comfort to hostile groups or which are demonstrably hostile to the United States, including communist and communist-dominated countries and countries which do not cooperate in our search for POW/MIA's or past wars.

Resolution No. 433

AMEND THE MISSING SERVICE PERSONS ACT

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that we ask our Congressional Representatives to support Congressman Roland's bill to revise the Missing Service Persons Act.

Resolution No. 437

STAND BEHIND MILLER/MCCAIN DISCLOSURE BILLS

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that we stand firmly behind the disclosure of information concerning United States personnel classified as Prisoners of War or Missing in Action; and

BE IT FURTHER RESOLVED, that we petition Congress for passage of such legislation and urge the President of the United States to press the Governments of the Soviet Union, Korea, Vietnam, Cambodia and Laos for a full accounting of all our POW/MIA's from those wars.

Resolution No. 440

DIPLOMATIC RECOGNITION/ECONOMIC AID AS A MEANS OF RESOLVING THE POW/MIA ISSUE

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that we strongly oppose any proposal that grants diplomatic recognition to communist Vietnam and Cambodia or economic aid to Vietnam, Laos and Cambodia without first obtaining their fullest cooperation concerning American prisoners or Missing in Action in Southeast Asia.

Resolution No. 449

IRAQ MUST ACCOUNT FOR KUWAITI MIA'S

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that we urge the U.S. Government to take such action as necessary either unilaterally, or through our allies, or the United Nations that will force Iraq to account for those Kuwaiti citizens still missing.

The Chairman. Thank you very much, Mr. Wallace.

Mr. Sommer.

STATEMENT OF JOHN F. SOMMER, JR., EXECUTIVE DIRECTOR, AMERICAN LEGION

Mr. Sommer. Thank you, Mr. Chairman, Mr. Vice Chairman.

The Chairman. I might just add I think each of you, as you speak, you might just mention what branch of the service you served in and where you served.

Mr. Wallace. I was with the U.S. Marine Corps in 1967–68.

Mr. Sommer. I was with the U.S. Army in Vietnam, 1968.

Mr. Chairman, because of the length of our statement and the fact that we're summarizing, I would appreciate it if we could have it placed in the record in its entirety.

The Chairman. Your full statement will be placed in the record.

Mr. Sommer. Thank you, Mr. Chairman.

As you are aware, this witness had the opportunity to represent the American Legion as part of a factfinding delegation on a trip to Vietnam in July of this year, organized by your office and led by Congressman Lane Evans, co-chair of the Vietnam Veterans in Congress Caucus. The primary focus of the trip was to explore the feasibility of establishing an independent veteran organization-supported office in Vietnam for the purpose of supplementing the work of the U.S. Government office and keeping the spotlight on the operation of the U.S. team.

I would like to make it clear that what I'm about to say with respect to my remarks reflects only the opinions of the American

Legion and not any of the other representatives that were on the trip.

The American Legion felt compelled to participate in such a venture because the process to resolve the POW/MIA issue is moving intolerably slow and there's a growing perception among Americans that deception again is being practiced by those responsible for handling POW/MIA investigations. It has also become apparent that there is a lack of responsiveness on the part of some officials who are responsible for obtaining the fullest possible accounting for our POW's and MIA's.

Following a series of what were initially thought to be rather extensive briefings at the State Department and Pentagon, the majority of our delegation departed Washington on June 30, arriving in Bangkok the evening of July 1. Additional briefings were conducted on July 2 at the U.S. Embassy in Bangkok.

The next week would be spent meeting with various officials at all levels of government in Vietnam. Extensive sessions were held with representatives of the Office for Seeking Missing Personnel. The director of that office accompanied us to Danang, Hue and Saigon as one of our handlers.

While in Hanoi, the group met with Nguyen Co Thach, who was then foreign minister. In addition, we were then received at the Presidential Palace by newly-appointed Secretary-General Do Muoi. There was a common thread among the information provided by every government official with whom we spoke, what one might consider to be a party line. Each stated emphatically that there are no living American prisoners in Vietnam. Each said that normalization of relations between the United States and Vietnam should not be linked with the POW/MIA issue.

To a person, they reiterated that the POW/MIA effort is a humanitarian issue and not a political one. There were also consistent promises that the Vietnamese government would fully cooperate with an independent veterans' group office and that such an office would have free rein in traveling in the north or south of the country.

Unfortunately, as one might expect, it was obvious to this witness that all of the statements made by the Vietnamese cannot be taken at face value. This became even more obvious when we were told that the American prisoners of war that were released in 1973 had been treated under the Geneva Conventions in general and specific Vietnamese regulations dealing with humanitarianism and leniency.

We were advised that the Vietnamese treated those POW's with lenience, and those who returned had explained the leniency with which they were treated. This certainly does not track with the tales of horror that we heard relating to the torture, humiliation, deprivation, starvation, and outright hatred that the vast majority, if not all, of the repatriated prisoners of war underwent.

Another interesting facet of our meetings was that government officials from Hanoi provided information about 12 American MIA's who allegedly died while in captivity or were killed in action.

The information was provided to us in order to illustrate what they felt would be the complications involved in the investigation of these cases and the reported frustration experienced by the Vietnamese, with respect to the requirements and criteria set forth by the U.S. team. Our own Government had not provided us with this kind of information. We actually received more hard information from the Vietnamese than we have from the Defense Intelligence Agency, the Department of Defense, or any other American entity involved with this issue.

Mr. Chairman, the most frustrating and incomprehensible aspect of the entire POW/MIA issue is the pattern which has evolved, surrounding the handling of intelligence data and other information relating to live prisoners of war, both historically and presently. Over the past several years an increasing number of stories have surfaced regarding the abundance of available information relating to American prisoners of war in Southeast Asia. Taken separately, one who is skeptical might pass such reports off as sensationalism or tripe. However, in reviewing the available body of information relating to this issue, the belief that there are POW's being held in Indochina cannot and must not be summarily dismissed.

The most recent article relating to the handling of intelligence during and after the Vietnam War, Soviet involvement in the interrogation and appropriation of American POW's, and U.S. Government suppression of information relating to both, is On the Trail of the MIA's, which appeared in the October 27, 1991, edition of the Los Angeles Times magazine. Several previously published books also contain references of varying degrees to the discrediting of live-sighting information resources, locations and movement of prisoners that are not acknowledged by U.S. officials, reports of Americans held captive after 1973 on which no apparent action was taken by U.S. officials, et cetera, et cetera.

In addition, we've seen copies of reports, memoranda, and other correspondence issued by U.S. intelligence agencies which square with the charges set forth in these publications. Add to all this the report by the minority staff of the Senate Foreign Relations Committee, as well as the assertions leveled by Col. Millard Peck and you come up with rather compelling evidence that all is not right with the world.

Mr. Chairman, almost immediately after our return from Vietnam in July, a photograph of three individuals reported to be American POW's surfaced. Surfacing in the news media heightened the American Legion's concern about the manner in which the POW/MIA issue is being handled. The photo was said to be in the hands of Government analysts for several months.

This witness was appalled at the reports, because in all of the briefings and discussions we had prior to leaving for Vietnam with those who are supposed to be knowledgeable and responsible on this issue, there was no mention whatever that this photo even existed, much less that it was being analyzed.

Subsequently, a number of additional photographs were publicized in the media. The American Legion was contacted by a representative of a group of individuals on July 23, who requested a meeting for the purpose of discussing proof of the existence of a live American POW being held in Laos. A meeting was scheduled and held on July 24. At that time, a large number of photographs taken over a long period of time and other information relating to an individual identified as Donald Gene Carr, who was lost while flying in a reconnaissance aircraft over Laos in 1971, were reviewed and discussed.

Among those at the meeting were Mr. Carr's brother, Matthew. After reviewing the photographs and other information, we feel that it is sufficient to resolve reasonable doubt as to whether or not Donald Carr is alive. In early August we were contacted by those who were in possession of the Carr photos for the Legion's opinion as to whether or not the information should be turned over to the Defense Intelligence Agency for analysis and investigation. We advised that the only way a response could be elicited from the Government would be to submit the photos to DIA.

On or about August 9, the information was turned over to the DIA. We understand that the Carr photographs have been analyzed by the Sandia National Laboratory and an inclusive, although somewhat favorable, report has been issued. As a matter of fact, we have a copy of that report and would be happy to share it with the Committee.

The Government has admitted that the photograph could be Donald Carr. However, so far as the American Legion is concerned, the Government has moved neither far enough nor fast enough in an attempt to do anything positive about the case.

This concern was legitimized yesterday, when during Mr. Carl Ford's appearance, it was learned that apparently nothing further has been done with the Sandia Laboratory report that was issued in August. So far as the American Legion is concerned, there is no valid excuse, no excuse, why further analysis could not have been requested and completed in the subsequent 3 months. It's just another example of that which fuels the perception that the POW/MIA issue is not being handled in the manner in which it should and that all is not being done to resolve this important issue.

Mr. Chairman, that concludes my summary.

[The prepared statement of Mr. Sommer follows:]

Prepared Statement of John F. Sommer, Jr.

Mr. Chairman and Members of the Committee. The American Legion appreciates the opportunity to appear before you today to present its views, concerns, and recommendations regarding the current status of the prisoners of war and missing in action in Southeast Asia, and the efforts of the U.S. Government to resolve this issue of highest national importance.

At the outset Mr. Chairman, may we express our thanks for the accessibility that has been demonstrated by the Committee and its staff. It is especially enlightening that the organizational meeting on September 12, and subsequent sessions have been open to the public. This demonstrates a perception of openness relating to the manner in which the Committee will conduct its work, and we trust that this spirit will continue. The American Legion considers the responsibilities with which the Committee has been charged to be of paramount importance, and the thought of dealing with these issues in the open is refreshing.

Mr. Chairman, we fully understand that the Committee plans to address the various aspects of the POW/MIA issue in phases, beginning with what is currently being done, and working backward. The American Legion agrees that this is important because the here and now includes what is being done—or what theoretically should be done—to follow up on live-sighting reports and other intelligence relating to individuals who may well be held prisoner in Indochina.

However, since we do not know whether or not we will be invited to present testimony at future hearings, this statement contains a compendium of information relating to the entire issue. Because of the fact the Committee is just commencing its work, the Legion offers the following suggestions as to issues to be considered by the Select Committee on POW/MIA Affairs. These will also be addressed in more detail in the body of this statement.

1. It is recommended that the Committee call in every piece of paper relating to the 1,400 live-sighting reports for its analysis.

2. It is important that the "Acid Test" used by the Defense Intelligence Agency to distill the total number of live-sighting reports down to the ones held to be "believable" be thoroughly reviewed.

3. The methodology used in collecting information and compiling live-sighting reports needs to be examined. This should include scrutinization of the timeliness with which these reports are addressed.

4. It is recommended that the Committee review the structure and operation of the DIA Special Office for POW's and MIA's, including a determination of the line of responsibility—or chain of command—relative to the Special Office.

5. The Committee should have access to satellite photographs currently in the possession of the National Reconnaissance Office, which provide the location of reported POW camp sites as well as other geographical information.

6. The report rendered by the Tighe Commission in 1986 should be reviewed. This includes the process by which the majority and minority reports were finally published, and the reason for any changes made in the report. These reports have, so far as we know, never been released to anyone outside the DOD/DIA structure.

7. It is recommended that the logistical support and resources provided the Joint Casualty Resolution Center and the POW/MIA Office in Hanoi be analyzed to ensure that these functions have the strength necessary to effectively and efficiently carry out the responsibilities with which they have been charged.

8. It is recommended that a determination be made as to whether or not all records contained in archives and repositories throughout the United States which contain information on search and rescue missions conducted by the U.S. Armed Forces in Southeast Asia have been researched, and if so what has been done with the information that has been secured.

9. It has been charged on numerous occasions that individuals within the U.S. government have intimidated, coerced, discredited, and ignored sources who have provided data concerning live POW's. It is important that these charges be thoroughly investigated.

10. A determination needs to be made as to why information concerning the POW/MIA issue has consistently been withheld by DOD and remains classified. This would include a review of whether or not DOD is complying with security classification procedures, and if the mandatory review process established within DOD is being implemented by DIA with regard to review and release of documents that are twenty to twenty-five years old.

11. During the hearing of the Senate Rules and Administration Committee on July 25, testimony was presented that the Secretary of State had ordered the destruction of records and documents relating to POW's and MIA's by four sub-elements of the Department. The validity of this statement certainly needs to be determined; and if it is found to be true, the Committee should pursue an investigation of all details relating thereto.

12. It is recommended that the Committee ascertain whether or not security has been violated through the provision of classified information relating to POW's and MIA's to the Vietnamese government.

13. The Central Identification Laboratory in Hawaii has received substantial criticism regarding its methods employed in identifying remains and the subsequent reports to families of MIA's. A review of these charges and the methodology used by CILHI needs to be pursued.

14. Beginning in mid-July a number of photographs have surfaced and many have been published in the media. Some of the individuals in the photographs have tentatively been identified by family members as American servicemen who were shot down over Southeast Asia. Other photographs were clearly a hoax. An apparent attempt has been made to categorize all of the photos as a "hoax" based on one that was very obvious. A review of this situation, and the manner in which the photographs have been handled by DIA needs to be conducted.

15. The allegations contained in the resignation memorandum submitted by Colonel Millard Peck are serious and need to be thoroughly reviewed. The Defense Department has stated that a review was conducted but that no written report exists.

16. The findings set forth in the report prepared by the minority staff of the Senate Foreign Relations Committee should be reviewed and analyzed.

17. A substantial number of books, reports and articles have appeared recently, setting forth allegations of available intelligence data that was collected during the Vietnam war and subsequent years being disregarded, ignored, or suppressed by the U.S. government. An urgent need exists to fully investigate these allegations.

The American Legion will continue to develop information and provide the staff with additional recommendations regarding issues to be considered and other subjects, if the Chairman feels that it would be worthwhile to the Committee.

Mr. Chairman, as you are aware, this witness had the opportunity to represent the Legion as part of a fact-finding delegation on a trip to Vietnam in July of this year, organized by your office and led by Congressman Lane Evans, Co-Chair of the Vietnam Veterans in Congress Caucus. The primary focus of the trip was to explore the feasibility of establishing an independent, veteran organization supported office in Vietnam for the purpose of supplementing the work of the U.S. government office, and keeping the spotlight on the operation of the U.S. team. The American Legion felt compelled to participate in such a venture because the process to resolve the POW/MIA issue is moving intolerably slow, and there is a growing perception among Americans that deception is being practiced by those responsible for handling POW/MIA investigations. It had also become apparent that there is a lack of responsiveness on the part of some officials who are responsible for obtaining the fullest possible accounting for our POW's and MIA's.

Following a series of what were initially thought to be rather extensive briefings at the State Department and Pentagon, the majority of our delegation departed Washington on June 30, arriving in Bangkok the evening of July 1. Additional briefings were conducted on July 2 at the U.S. Embassy in Bangkok.

The next morning we departed by air to Hanoi. Following arrival in Hanoi and checking into our hotel, we met with Assistant Foreign Minister Dang Nghiem Bai at the Government Guest House. Bai is also Director of the Department of the Americas in the Foreign Ministry. After introducing several other officials and exchanging greetings, we went over the schedule for our trip and began preliminary discussions on the POW/MIA issue.

The next week would be spent meeting with various officials at all levels of government in Vietnam. Extensive sessions were held with representatives of the Office for Seeking Missing Personnel. The Director of that office, Ho Xuan Dich, accompanied us to Danang, Hue, and Saigon as one of our handlers. While in Hanoi, the group met with Nguyen Co Thach who was then Foreign Minister and Vice Chairman of the Council of Ministers. In addition, we were received at the Presidential Palace by newly appointed Secretary General Do Muoi, who had been serving as the Prime Minister of the Council of Ministers prior to the 7th Party Congress. It is interesting to note that our request to visit Do Muoi was only faxed to Hanoi during the last evening we were in Bangkok. He spent a total of ninety minutes with our group.

There was a common thread among the information provided by every government official with whom we spoke, what one might consider to be a "party line." Each stated emphatically that there are no living American prisoners in Vietnam. Each said that normalization of relations between the United States and Vietnam should not be linked with the POW/MIA issue. To a person, they reiterated that the POW/MIA effort is a humanitarian issue and not a political one. There were also consistent promises that the Vietnamese government would fully cooperate with an independent veterans group office, and that such an office would have free reign in traveling in the North or South of the country.

Unfortunately, as one might expect, it was obvious that all of the statements made by the Vietnamese cannot be taken at face value. This became even more obvious when we were told that the American prisoners of war released in 1973 had been treated under the Geneva Convention in general, and specific Vietnamese regulations dealing with humanitarianism and leniency. We were advised that the Vietnamese treated the POW's with lenience, and those who returned have explained the leniency with which they were treated. This certainly does not track with the tales of horror that we heard relating to the torture, humiliation, depravation, starvation, and outright hatred that the vast majority, if not all, of the repatriated prisoners of war underwent.

Another interesting facet of our meetings was that government officials from Hanoi provided information about twelve American MIA's who allegedly died while in captivity or were killed in action. The information was provided to us in order to illustrate the complications involved in the investigation of these cases, and the reported frustration experienced by the Vietnamese with respect to the requirements and criteria set forth by the U.S. team.

Our own government had not provided us with this kind of information. We actually received more hard information from the Vietnamese than we have from the Defense Intelligence Agency, Department of Defense, or any other American entity involved with this issue.

The foregoing is but a brief sketch of the details of the trip. The exploratory trip was extremely worthwhile, a large body of information was gathered, and The American Legion stands ready to send a representative or representatives to Vietnam, Cambodia, or Laos, if it is deemed necessary.

Prior to the visit to Vietnam, a number of events took place that raised the level of sensitivity regarding the manner in which the entire POW/MIA resolution issue has been handled. National media, on May 22, carried stories explaining the protest resignation of Col. Millard A. Peck from his post as Director of the Defense Intelligence Agency's Special Office for Prisoners of War and Missing in Action. Col. Peck's accusations with respect to the manner in which the POW/MIA issue is being handled by the government were appalling.

In a letter to the Secretary of Defense Dick Cheney, also under date of May 22, then National Commander Robert S. Turner requested a complete and open investigation of these allegations. Additionally, he advised Secretary Cheney that he would appreciate being kept fully informed on the progress and results of the investigation into the POW/MIA situation.

A reply to Past National Commander Turner's letter under date of June 20 was signed by Assistant Secretary of Defense Duane P. Andrews. It basically referred to an attached press release entitled "DOD Finds No Evidence of Peck Allegations." In a second letter to Secretary Cheney, Mr. Turner, referring to Assistant Secretary Andrews' correspondence, stated that since no substantiating information was enclosed, there is no basis on which The American Legion could determine whether the investigation was complete and accurate. The request to be furnished a copy of the report of investigation was reiterated. A response to the second letter of request was issued over Secretary Cheney's signature and provided an expanded version of the information contained in the press release. However, no formal report of the investigation into Col. Peck's allegations was forthcoming.

We recommend, as stated previously in our suggestions, that this Committee pursue a report of the full investigation for its thorough review.

The Senate Committee on Foreign Relations, Republican Staff issued a report on May 23, 1991, entitled *An Examination of U.S. Policy Toward POW/MIA's,* as you are aware Mr. Chairman. The conclusions of the report parallel the allegations of Col. Millard Peck, namely that the U.S. government has manipulated the POW/MIA issue to avoid an effective search for missing military personnel. It states that the U.S. government policy of dealing with live-sighting reports is flawed, thereby ignoring reasonable evidence which could lead to finding missing personnel. It cites seven specific DIA procedures for discrediting reports to avoid a good-faith effort to find POW/MIA's. It depicts a reproduction of a censored CIA document from 1988 that summarizes three live-sighting reports of U.S. POW/MIA's in North Korea.

The minority staff report states that it was a matter of policy to issue falsified statements of KIA instead of MIA for U.S. personnel captured during covert operations. The report goes on to say, among other things, that U.S. authorities originally asked North Vietnam for the return of 5,000 U.S. military personnel, but settled for only 591; and although the PATHET LAO stated that they were holding U.S. military personnel in March 1973—estimated at 100—no prisoners of the PATHET LAO were ever returned or accounted for.

Mr. Chairman, almost immediately after our return from Vietnam in July, a photograph of three individuals reported to be American POW's surfacing in the news media heightened The American Legion's concern about the manner in which the POW/MIA issue is being handled by the U.S. government. The photo was said to be in the hands of government analysts for several months. This witness was appalled at the reports because in all of the briefings and discussions we had prior to leaving for Vietnam, with those who are supposed to be knowledgeable and responsible on this issue, there was no mention whatever that this photo even existed, much less that it was being analyzed.

Subsequently, a number of additional photographs were publicized in the media. The American Legion was contacted by a representative of a group of individuals on July 23, who requested a meeting for the purpose of discussing proof of the existence of a live American POW being held in Laos. A meeting was scheduled and held on July 24. At that time a large number of photographs taken over a long period of time and other information relating to an individual identified as Donald Gene

Carr, U.S. Army Special Forces, who was lost while flying in a reconnaissance aircraft over Laos in 1971 were reviewed and discussed. Included among those at the meeting were Mr. Carr's brother. The next day we received a faxed copy of a tentative report by Dr. Michael Charney, a noted emeritus professor of Anthropology who had analyzed a photograph taken in 1961 at Donald Carr's wedding and another allegedly taken in 1990 in Laos. After explaining the methodology he used to analyze the photos, Dr. Charney stated in the report that there was sufficient evidence that the two photos are of the same person, Donald Gene Carr. A final report was supposedly completed by Dr. Charney, however we have been unable to secure a copy to date. After reviewing the photographs and other information, we feel that it is sufficient to resolve reasonable doubt as to whether or not Donald Carr is alive.

In early August we were contacted by those who were in possession of the Carr photos for the Legion's opinion as to whether or not the information should be turned over to the Defense Intelligence Agency for analysis and investigation. We advised that the only way a response could be elicited from the government would be to submit the photos to DIA. On or about August 12, the information was turned over to the DIA. We understand that the Carr photographs have been analyzed by the Sandia National Laboratory and an inconclusive although somewhat favorable report issued.

The Government has admitted that the photograph could be Donald Carr. However, so far as The American Legion is concerned, the Government has moved neither far enough nor fast enough in an attempt to do anything positive about the case.

Unfortunately, there has been a veiled attempt to lump most of the photographs together and label them as a hoax, rather than addressing them individually. Each has its own set of circumstances and information relating thereto. Therefore, each must be analyzed and investigated on its own merits. To add to this problem, copies of photos from a Soviet magazine have been thrown into the mix by an individual or individuals unknown to us. Obviously this provides ammunition to those who are attempting to discredit all of the photographs.

Mr. Chairman, the most frustrating and incomprehensible aspect of the entire POW/MIA issue is the pattern which has evolved surrounding the handling of intelligence data relating to live prisoners of war, both historically and presently.

Over the past several years an increasing number of stories have surfaced regarding the abundance of available information relating to American prisoners of war in Southeast Asia. Taken separately, one who is skeptical might pass such reports off as sensationalism or tripe. However, in reviewing the available body of information relating to this issue, the belief that there are POW's being held in Indochina cannot and must not be summarily dismissed.

The most recent article relating to the handling of intelligence during and after the Vietnam war, Soviet involvement in the interrogation and appropriation of American POW's, and U.S. Government suppression of information relating to both is "On the Trail of the MIA's", which appeared in the October 27, 1991 edition of the *Los Angeles Times Magazine.*

Previously published books such as *The Bamboo Cage, Kiss The Boys Good-by, BOHICA,* and *After the Heroes' Welcome* also each contain references of varying degrees to the discrediting of live-sighting information sources, locations and movement of prisoners that are not acknowledged by U.S. officials, reports of Americans being held captive after 1973 on which no apparent action was taken by U.S. officials, etc. etc.

In addition, we have seen copies of reports, memoranda, and other correspondence issued by U.S. intelligence agencies which square with the charges set forth in these publications. Add to all of this the previously mentioned report by the minority staff of the Senate Foreign Relations Committee entitled *An Examination of U.S. Policy Toward POW/MIA's,* as well as the assertions leveled by Colonel Millard Peck, and you come up with rather compelling evidence that "all is not right with the world."

However, those individuals who come forth as activists in the POW/MIA issue are immediately tarred with labels such as "Rambos", "loose cannons", "maverics", or some other such negative cognomen, and attempts are made by the Defense Intelligence Agency and others to discredit them. Granted, some activists have employed methods of operation which may appear to be questionable. And maybe—just maybe—there are those involved in the POW/MIA issue who's motivations may be suspect.

But by and large, it seems apparent that the goals and objectives of these individuals are to obtain the release of American POW's, the fullest possible accounting of those missing in action, and the return of the remains of those who were killed in action or died in captivity.

The perception is very clear that the U.S. Government is *not* doing all that it could or should be doing to resolve the POW/MIA issue.

Available information as recent as July, 1991 showed that out of 1,483 live-sighting reports, 103 have been placed on the active list—or accepted—by DIA. The 103 had gone through the entire process established by DIA for sorting out what it considers to be valid vs invalid reports. Of course all live-sighting information is classified; thus unavailable for interested parties to review.

It is also impossible to determine what—if any—action is being taken to investigate live-sighting reports. In July we were advised that the investigation of live-sighting cases in Vietnam had not begun, but were to commence in the near future.

The American Legion trusts that through the Committee's hearings and investigations, much more definitive information will become available about what is or is not being done to follow-up on live-sighting reports. The perception on the street is that more is being done in the way of damage control than actual analysis and investigation of live prisoners of war.

Mr. Chairman, another area of concern to The American Legion is the issue of weak identification procedures and less than scientific methods employed by the Central Identification Laboratory, Hawaii (CILHI), which is the organization charged with identification of remains of MIA's from Southeast Asia. A considerable amount of attention has been focused on CILHI since the mid-1980s, when reports of misidentification, burial of empty caskets, commingled remains, and positive identifications based on insufficient skeletal remains resulted in Congressional hearings and, in some cases, lawsuits against the government. Rather than getting into a detailed discussion regarding these issues in this statement, we have submitted our files on CILHI to the Committee for its review; and we trust that a full examination of the charges that have been made through the years will be carried out as part of the overall POW/MIA investigation. The families of those who are missing deserve no less.

The final subject we shall illustrate in this statement is the rapidity with which the process to normalize relations with the Socialist Republic of Vietnam appears to be moving.

In an October 23 letter to President Bush, National Commander Dominic D. DiFrancesco wrote that The American Legion was appalled but not entirely surprised at hearing Secretary of State James Baker's announcement of that morning in Paris that the United States is ready to open talks with Vietnam on the subject of normalizing relations. The letter went on to say, in part, that we are familiar with the "Roadmap" that was presented to Hanoi earlier this year, and The American Legion does not believe for one moment that the terms of the proposal relating to Vietnam's cooperation on the release of prisoners of war and resolution of those former servicemen listed as missing in action have anywhere near been met. National Commander DiFrancesco stated that we are hard pressed to understand why there is such a great interest in the normalization of relations . . . unless, of course, diplomatic ties with Vietnam are attractive because of oil.

Some experts expect Vietnam to emerge as a middle-ranking oil producer in the next ten to fifteen years. Once Washington recognizes Vietnam, all leverage for resolving the POW/MIA issue will be lost. The American Legion cannot stand by and watch our country abandon its POW's for oil or any other commodity.

It was most interesting to note that during a State Department briefing about Southeast Asia on October 31, Assistant Secretary Richard Soloman and Deputy Assistant Secretary Ken Quinn emphasized how active American oil companies have been in urging rapid normalization. This is the first instance in which we have heard this discussed publicly, but were not surprised to learn that our intuition proved to be correct.

Mr. Soloman indicated the United States could possibly move to Phase II of the "Roadmap" by the end of this year, among other things, permitting oil companies to commence contract talks with Hanoi, but not to sign contracts.

Mr. Chairman, should Big Oil be successful in convincing the U.S. Government to lift the sanctions and restore diplomatic relations, of what use would American POW's be to the Vietnamese? The answer is none. Their value so far as bartering is concerned would be nil. The easiest and cleanest thing the Vietnamese could do would be to eliminate them in order to save being caught in a lie.

National Commander DiFrancesco ended his letter to President Bush by stating that "the Legion does not oppose the establishment of a U.S. presence in Vietnam or the provision of some humanitarian assistance if those actions will help the POW/MIA issue. However, normalization should occur only after all POW's and MIA's have been accounted for. To do anything less than that would be a betrayal to their families and to all Americans who answered their nation's call to fight for

South Vietnam's freedom during the war. It would also send a strong signal that the U.S. Government has no interest in resolving this issue."

Mr. Chairman, that concludes our statement. Attached herewith is a copy of Resolution No. 291 adopted by the Delegates to The American Legion's 1991 National Convention, entitled "The American Legion Policy on Activities Relating to Southeast Asia POW's and MIA's."

RESOLUTION NO. 291

SUBJECT: The American Legion Policy on Activities Relating to Southeast Asia POW's and MIA's

COMMITTEE: Foreign Relations

WHEREAS, There are 2,273 American servicemen and civilians who have yet to be accounted for in Southeast Asia subsequent to the end of the Vietnam War; and

WHEREAS, The POW/MIA issue has been of paramount concern to The American Legion as evidenced by the strong mandates adopted by its policy making bodies and active efforts to keep the spotlight on the importance of securing a full accounting of all POW's and MIA's carried out by Legionnaries across the nation during the past twenty-plus years; and

WHEREAS, Photographs and other evidence have been shared with The American Legion by families and interested individuals which lead us to believe that live prisoners are being held in Southeast Asia; and

WHEREAS, The American Legion has called for increased efforts by the U.S. Government to ensure that this issue is treated as a principal national priority, and for the Government to accelerate efforts in every honorable way to obtain the immediate release of Americans still held prisoner, the fullest possible accounting of those missing in action, and the repatriation of the remains of those who were killed in action or died in captivity; and

WHEREAS, The American Legion has historically supported Government-to-Government negotiations as the most reasonable way in which to resolve this humanitarian issue; and

WHEREAS, The Executive Branch claims it considers the resolution of the POW/MIA issue a matter of highest national priority; and

WHEREAS, It has become apparent to The American Legion that there is a lack of responsiveness on the part of some Government officials who are responsible for obtaining the fullest possible accounting for our POW's and MIA's; and

WHEREAS, The Department of Defense has classified the majority of information available on live-sightings, status reports, and other data relating to those who are still missing, creating a veil of secrecy surrounding its findings in POW and MIA cases which is both unnecessary and self defeating; and

WHEREAS, There are increasing numbers of allegations from Members of Congress, knowledgeable government officials, families of POW's and MIA's and others exposing a perceived effort within the Defense Intelligence Agency to discredit sources of information relating to the POW's and MIA's, to fail to follow-up on relevant reports, and to misrepresent information on the status of certain of these individuals; and

WHEREAS, The Joint Casualty Resolution Center, and the Central Identification Laboratory in Hawaii have received criticism regarding the propriety of interviewing refugees and other possible sources of information, and the methods employed in identifying remains, respectively; and

WHEREAS, The magnitude of these assertions combined with the paucity of progress that has been made in the repatriation of POW's and the remains of those who paid the supreme sacrifice led The American Legion to send an official to Vietnam to explore the feasibility of establishing an independent office to supplement and keep the spotlight on the U.S. Government's POW/MIA office in Hanoi, and

WHEREAS, The American Legion believes unequivocally that the POW/MIA issue must be handled with more openness and sincerity, and that there is a need for increased accountability in the manner in which information relating to each case is documented, analyzed and pursued by the U.S. Government; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Phoenix, Arizona, September 3, 4, 5, 1991, that The American Legion assist the families of POW's and MIA's in ensuring that any evidence, reports, photographs, or other information relating to their loved ones is given effective, expeditious and sincere consideration by the Department of Defense; and, be it further

RESOLVED, That The American Legion urge the President of the United States to charge the Secretary of Defense with the primary responsibility of interpreting policy and exercising overall direction and control of POW/MIA activities through the service secretaries and the Chiefs of Staff of the Army and Air Force, Chief of Naval Operations, and Commandants of the Marine Corps and Coast Guard, thereby eliminating involvement by the Defense Intelligence Agency; and, be it further

RESOLVED, That The American Legion urge the Secretary of Defense to establish an office for the Recovery of Prisoners of War and Missing in Action, which should report directly to the Secretary and receive support as requested from other Department of Defense elements; and, be if further

RESOLVED, That The American Legion support legislation that would allow the release of information relating to live-sightings and other data pertaining to POW's and MIA's deemed not to compromise the national security of the United States; and, be it further

RESOLVED, That The National Commander of The American Legion appoint a special POW/MIA committee for the purposes of thoroughly reviewing all available information relating to that issue, and investigating all possible avenues of obtaining a full accounting for those who are held prisoner of war are missing; and, be if further

RESOLVED, That The American Legion monitor the operation of the U.S. Government office in Hanoi for a reasonable period of time, with a view toward supporting the establishment of an independent POW/MIA office if considered necessary; and, be it further

RESOLVED, That The American Legion urge the President to study the feasibility of transferring the responsibility of identifying remains from Central Identification Laboratory, Hawaii, to the Smithsonian Institute; and, be it further

RESOLVED, That if it is deemed appropriate, American Legion officials be authorized to travel to Southeast Asia, including Vietnam, Laos, and Cambodia, for the purpose of gathering information relative to the ongoing POW/MIA investigations and the manner in which they are being conducted; and, be it finally

RESOLVED, That The American Legion, while continuing to oppose full diplomatic recognition of the Socialist Republic of Vietnam until the POW's and MIA's are accounted for, also maintain a degree of flexibility with respect to the possible establishment of a U.S. presence in Vietnam and the provision of certain humanitarian assistance if such actions could be helpful in finally resolving this issue.

The CHAIRMAN. Thank you very much, Mr. Sommer.

Mr. Burch.

STATEMENT OF J. THOMAS BURCH, JR., CHAIRMAN, NATIONAL VIETNAM VETERANS COALITION

Mr. BURCH. Mr. Chairman, I'm Tom Burch. I'm the chairman of the National Vietnam Veterans Coalition. I served as a U.S. Army Major, 8½ years of active duty. I served in Vietnam between May of 1967 through December 1968, with the 5th Special Forces Group Airborne.

Mr. Chairman, in order to save the maximum time of the Committee, we'd ask that the full remarks of the National Vietnam Veterans Coalition be admitted to the record, together with a preliminary report we gave to the Committee, Preliminary Ideas on Select Committee Agenda, if that could be admitted to the record.

The CHAIRMAN. Without objection so ordered.

Mr. BURCH. Mr. Chairman, we thank you for this third opportunity to testify before a Committee of the U.S. Senate on the POW/

MIA issue. We are now a federation of 58 Vietnam veteran and veterans issue or groups, and we include such groups as BRAVO, Vietnow, Veterans of the Vietnam War, National Alliance of Families, and Homecoming II, and Operation Rescue, some of which are going to be testifying before these proceedings are complete.

We submit that the issue of most concern to the greatest number of grassroots Vietnam veterans is the POW/MIA issue. We submit that the centerpiece of the U.S. effort at resolution of this issue must be the recovery of alive American prisoners. Unfortunately, this objective is thwarted by a process or a policy that all prisoners are dead, notwithstanding any evidence to the contrary.

The first step toward resolution is intelligence collection, yet nowhere is the effort more deficient. On October 25, 1985, then National Security Advisor, Robert McFarland, told a forum, what you need to do is have better human intelligence in Vietnam. Now, we don't and it takes a long time to get it, but I won't pretend to you that we've done enough to even start.

Dave Simons, a retired special operations professional spent several months in Thailand on behalf of the Coalition in late 1985, at his own expense, for the purpose of assessing our tactical intelligence capabilities as pertaining to live POW's. His conclusion was that there was not such capability. For example, there was no built-in—there is a built-in delay in the initial intelligence collection from the refugees. There is no ongoing offer to officers or civil authorities of Vietnam, Laos, or Cambodia, on an individual basis to induce them on their own to defect and bring a live American POW with them.

And last, we have paid spies and informers for over 200 years. Why stop now? There is nothing wrong with paying for information or service or risk. You don't buy a good spy cheap.

In short, the effort to collect intelligence has been passive. Rather than retain ground agents to penetrate the remote corners of Southeast Asia, the administrators of the highest national priority have preferred to wait for refugees to report sighting information. Even then, the follow-up has often been slow.

Once intelligence is collected, it must be analyzed. An immediate but generally overlooked problem is that the usable proof test for the existence of live POW's, the satisfaction of which standard would trigger decisive action by the U.S. Government, is unlikely to be satisfied in any event. The criteria are so rigid that if hypothetically an American prisoner were to escape and report the continued detention of fellow prisoners, that report would not satisfy the criteria.

Ourselves, we find it remarkable commentary on the quality of effort that the POW/MIA establishment must find it continually necessary to have itself investigated in this regard, regardless of how many times it attempts to exonerate itself. But, indeed, those are the reports and related materials which are available, paint a picture of substantial shortcoming in the effort.

Having failed to aggressively collect intelligence and having failed to properly analyze what it has collected, the Government concludes officially that "the information available to us precludes ruling out the possibility that Americans are still being detained against their will." And the Government proceeds on the assumption that at least some Americans are still held captive.

In practice, the Government has done everything possible to negate that assumption. It has been repeatedly stated in veterans' forums and elsewhere, that the United States has no credible evidence that anyone is held in captivity now or even, in some accounts, at any time since withdrawal of our forces in 1973. The media has been whispered off the track with anonymous comments that there are no live POW's.

Given this attitude and the timing of several of the quoted leaks to coincide with critical negotiating sessions with the Vietnamese, it is difficult to understand how the Government can effectively negotiate for the return of live prisoners, when it lacks the confidence of its own negotiating position. Basically, they're telling the Vietnamese they want information about live Americans at the same time they're publicly saying that they're all dead.

The Government publicists' preoccupation with remains is worrisome to the vast majority of us Vietnam veterans. But even if one assumes that there are only dead Americans, the negotiation effort has historically been inept. One would think that the negotiators would stop by presenting all discrepancy cases to the Vietnamese. The United States has never presented a full list of discrepancy cases to the Vietnamese.

In 1972, U.S. intelligence identified at least 180 unreturned men whose fate was the subject of confirmed enemy knowledge. Mr. Chairman, none of—some of those names have been presented to the Vietnamese, but never the whole 180, about half of them. The POW/MIA Interagency Group is said to be in charge of coordinating a policy on the highest national priority. What is remarkable about this group is the list of absentees. Neither the Central Intelligence Agency, the National Security Agency, or the Drug Enforcement Agency have membership on that committee.

That brings us to a salient question. How much raw information is in the possession of agencies other than the Defense Intelligence Agency or JCRC? For example, one, we have previously charged before the Senate Rules Committee that in June 1991 massive destruction of POW-related materials took place in the State Department. We have met with the Vice Chairman and Staff Director concerning this matter on the committee, and we hope that proper follow-up will ensue.

Two, as we indicated in our 1986 testimony before the Senate Veterans Committee, the FBI has done photo resolution of alleged POW's. What do its records show, and if the records were moved, where are they now?

Last, given the allegations of former National Security Agency intelligence experts, what do NSA records show or the Armed Services Security Agency's?

We of the Vietnam Veterans Coalition are prepared to work cooperatively with the Committee. While we are pleased with the selection of the Senators serving on the Select Committee and the top committee leadership staff, we have a concern that the investigative approach appears to be directed to making an analysis of Defense Intelligence records, rather than being able to deal directly with the totality of the issue.

A comprehensive investigation can only be assured—only—by augmenting the current staff with a team of professionals, such as FBI- and Secret Service-trained investigators to root out all the facts.

Thank you, Mr. Chairman.

MEMORANDUM

To: Senate Select Committee on POW/MIA Affairs
From: J. Thomas Burch, Jr., Chairman, National Vietnam Veterans Coalition
Re: Preliminary Ideas on Select Committee Agenda
Date: September 19, 1991

I. INTRODUCTORY COMMENTS

It will be necessary for the Select Committee, which has a specific, limited lifespan (until December 1992) to 1) establish immediately a plan of action and specific goals; and 2) stake out its jurisdiction.

The primary goal of the Committee should be to obtain a final accounting for the 2,000+ missing from the Vietnam war. This is the proposed plan of action of the Vietnam veterans movement which we request the Select Committee to adopt.

II. OVERVIEW

There are two broad spheres of concern in this issue. One is what the Indochinese (and by extension the Soviets and Chinese) know about the unaccounted for. The other is what we know about them, and who knows, and who has that information. These two spheres obviously interact, and resolution of this question will require exploring both.

The Select Committee should be able to make recommendations for a base-line policy determined by what it discovers and reports over its lifespan. Such a policy should protect future American servicemen from ever being pawns in protracted international endgames.

III. PRIORITY

The first priority should be given to review the most compelling evidence that Americans are still being held alive in captivity.

Furthermore, possibilities exist that former American POW's are alive and are being held in Soviet Gulags from World War II; in Korea, China and the Soviet Union from the Korean War, as well as the possibility that there should be more accountability of the missing from Operation Desert Shield.

IV. AREAS OF ANALYSIS

A final, nonpartisan, coordinated effort involving the Hill and veterans' groups is needed to satisfy all parties that the Government has, this time, done its utmost to put this matter to rest.

This Select Committee must not repeat the oversights and failures of past efforts to assess the issue of POW/MIA's. It is important to note that no previous committee has produced a comprehensive study of all facets of the issue. The Whitmire Report (1974), the Montgomery Report (1976), and Pentagon Reports have all failed to include objective forensic analyses of evidence. Past investigations overlooked or failed to coordinate evidence and intelligence reports. Scientific analysis of evidence has been inadequate.

Previous errors in judgment cannot be reiterated. In the past, there was no cross-referencing of evidence or intelligence coordination. There have been no formalized investigations and no independent scientific analysis. Further, there has been no analysis of why the various governments would keep POW's as hostages. Below are guiding questions that ought to be pursued:

1) Does the U.S. Government have valid information concerning live POW's?
    a) Review all live-sighting and second-hand (hearsay) intelligence reports of U.S. POW's held in Southeast Asia, and the USG's action and analysis on each;
    b) Review all satellite imagery of prison re-education facilities taken since February 1, 1973, all hand-held photography, all SIGINT, ELINT, or other intelligence information relating to the presence of Americans/caucasians in captivity in Southeast Asia; and,

c) Review finished intelligence estimates of the numbers of U.S. POW's still held in Southeast Asia after April 1973; including the Tighe and the Gaines report.

2) If the U.S. Government has valid information concerning live POW's, then has the U.S. Government failed to act on such information?

a) Review the *documentation* of each of the seven internal DOD "investigations" that have been conducted by DOD; and

b) Review the historical and *documentary* evidence that U.S. Government knowingly left U.S. servicemen in captivity at the conclusion of World War I, World War II, the Korean War, and the Second Indochina War. Specifically, the lists of the names of these individuals believed to be still in captivity after the conclusions of these wars need to be reviewed. These lists exist in the records of the U.S. Government.

3) Has the U.S. Government acted improperly to intimidate, coerce, or discredit sources which have valid information concerning live POW's, or mislead family members or Members of Congress?

a) Review the substance of Colonel Peck's allegations raised in his memorandum of resignation. According to Colonel Peck, while he was the Chief of the Special Office for Prisoners of War Missing in Action (POW/MIA), he was "not really in charge" of his own office and that "this issue is being manipulated and controlled at a higher level, not with the goal of resolving it, but more to obfuscate the question of live prisoners, and give illusion of progress through hyperactivity;"

b) There should be an evaluation as to whether such records of Missing Men have been tampered with.

c) Review the role of executive branch personnel who have had responsibility for this issue, and appropriately evaluate their actions.

The Select Committee needs to identify and analyze the flow of data from the field to the analyst and the instructions from management to field personnel. There needs to be an assessment of the interaction among a) personnel records, b) combat reports, c) outside witness reports (first-hand sightings, or other credible information), and the evaluations to which these factors led, whether by the Department of Defense or, as in the case of some detainees in China and the Soviet Union, the Department of State.

V. TECHNICAL SUPPORT STAFF FOR THE SPECIAL COMMITTEE ON MIA/POW AFFAIRS

Since American citizens and Vietnam veterans and their families have lost confidence in the objectivity and veracity of DOD investigations of the POW/MIA issue, the current investigation cannot be conducted by military investigators. By assembling a team of nonmilitary scientists and forensic experts, the Senate Special Committee can ensure the credibility that past investigations have lacked. We have in the Federal Government and local law enforcement highly qualified experts whose services and knowledge can prove invaluable to this Committee.

A staff must be established and assembled utilizing the experts with investigative and scientific skills rather than political plum filling. Amateurs, volunteers, and retirees with good intentions must step aside. Professionals who possess the skills to perform the in depth scientific research and investigations are required from this point forward. The success of the Senators on the Committee to once and for all resolve this issue conclusively will have to be based on the very best staff work.

VI. SUGGESTED STAFF STRUCTURE

A. Staff Coordinator

Before any documents are gathered, before any investigations begin there must be someone with hands-on experience and knowledge who is able to moderate the objective. This position requires someone who can be responsible for determining the suitability of his counterparts. This capacity will also require someone familiar with the methodology and functions of governmental bureaucracy, *i.e.,* where to go and who to see and the skill to not be shelved by anyone. This position of staff coordinator dictates the individual have the ability to not only coordinate a staff and work with them, but also have the expertise to prioritize and tabulate the cases (prompt resolution taking priority) and have the contacts to draw on Government resources to supplement committee staff effect.

The staff coordinator and his deputies would appoint experts or arrange to have them temporarily reassigned or obtained on detail from numerous Federal agencies, in the following areas: imaging science, photography and videography; document verification and handwriting analysis; polygraph, and audio tape enhancement; latent fingerprints. Linguists (Vietnamese, Cambodian, and Laotian); an historian and research assistant and special investigators are needed. Additional information with regard to the actual contributions such experts could make will be provided upon request.

In summary the staff coordinator must:

A. Be cognizant of disciplines and functions of government bureaucracy.
B. Coordinate the staff specialist/experts.
C. Prioritize and tabulate the cases for prompt resolution taking priority.

B. Investigators

The National Vietnam Veterans Coalition knows of competent investigators who would be within their own environment working on this investigation and can be hired or detailed through the FBI, DIA, CIA and local police.

C. Linguists

We cannot justify or have faith in interrogation that is conveyed through a third-party when linguists are at hand. We need to use top grade translators. We must present ourselves as we wish to be acknowledged: disciplined and organized.

D. Scientific Researchers

This is not time for analysis by novices. We have within our realm scientists in the field of: polygraph, handwriting, imaging science, voice print and audio tape enhancement. Most scientists and investigators can be found as existing government employees, and detailed to the Select Committee at no cost. Everything the Pentagon, State Department, Attorney General's office, FBI, DIA and CIA have in their possession relating to MIA/POW's should be turned over to the Technical Staff Coordinator. All evidence must be scrutinized by this technical staff. No finding should be made public until all expert analysis is complete.

With regard to Americans missing from earlier periods—World War II and after, Korea, and other episodes—we need to establish systematic inquiries with the help of the State Department and private organizations in the U.S. and abroad to identify Americans in Soviet and Chinese incarceration. At the same time, we need to require the Departments of State and Defense to open the files and provide names of Americans about whom they have been asked. Traditionally, these departments have absolutely stonewalled inquiries about this.

VII. SENATE HEARINGS

Open hearings should be conducted to the *maximum* extent feasible. Maximum effort should be given to witnesses who have first hand knowledge of live American POW's (such as Robert Garwood) and are intimately familiar with supposed deficiencies in the current analysis system (e.g. Col. William Peck and LTG Eugene Tighe).

VIII. FINAL REPORT

There is almost universal dissatisfaction at present with the handling of the POW/MIA issue. If the Select Committee cannot identify problems and stumbling blocks or propose solutions that might lead to the fullest possible accounting, S82 will have been in vain. Consistent with the growing sentiment of the final need for openness, the final report of the Select Committee should be unclassified.

[The prepared statement of Mr. Burch follows:]

Prepared Statement of J. Thomas Burch, Jr.

Mr. Chairman, we thank you for this third opportunity to testify before a committee on the U.S. Senate on the POW/MIA.

We are now a federation of fifty-eight (58) Vietnam veterans and veterans issue groups, more than a few of whose representatives will be testifying during these hearings. For it is this issue which has proved to be the one of paramount concern to the greatest number of grassroots Vietnam veterans.

We submit that the centerpiece of the U.S. effort at resolution of this issue must be the recovery of live American prisoners. Unfortunately, this objective is thwarted by a process, or a policy that all prisoners are dead, notwithstanding any evidence to the contrary.

The first step toward resolution is intelligence collection. Yet nowhere is the overall effort more deficient. On October 25, 1985, then national security advisor Robert McFarlane told a forum: "What you need to do is have better human intelligence in Vietnam. Now we don't. And it takes a long time to get it, but I wouldn't pretend to you that we've done enough to even start."

Dave Simons, a retired special operations professional, spent several months in Thailand in late 1985, at his own expense, for the purpose of assessing our tactical intelligence capabilities, as pertaining to live POW's. His conclusion was that there was no such capability, e.g.

—"There is a build-in delay in the initial intelligence collection from the refugees."

—"There is no ongoing offer to officers or civil authorities of Vietnam, Laos or Cambodia on an individual basis, to induce them on their own to defect and bring a live American POW with them."

—"We have paid spies and informers for over 200 years. Why stop now? There is nothing wrong with paying for information or service or risk. You don't buy a good spy cheap."

In short, the effort to collect intelligence has been passive. Rather than retain ground agents to penetrate the remote corners of Southeast Asia, the administrators of the "highest national priority" have preferred to wait for refugees to report sighting information. Even then, the follow-up has often been slow.

In 1986, the Pentagon angrily defended the admission that the Bangkok office of the Joint Center for Resolution of Casualties only had three people to check out possible live-sighting reports from hundreds of thousands of Indochinese refugees in eight countries: there was no need for more personnel to screen a largely static pool.[1]

Yet, Jim Barker, a former refugee worker in the Philippines, shortly thereafter described to the media [2] his experiences dealing with refugee reports, some of which were reported eyewitness sightings. Believing that the witnesses had no motivation to lie, he concluded that the reports added up to as many 100 Americans still alive, but "I don't see evidence that our government is taking much action." In May, 1987, we caught up with Mr. Barker and asked one simple question: how many reports would it take before a debriefer would be sent out to the refugee camp? His answer: it could take up to a *dozen* live-sighting reports to trigger interest.

Perhaps to deflect criticisms of this nature, the "Stony Beach" collection program was established in 1987. Where three individuals were allegedly more than adequate to address the matter only one year earlier, an ensemble more than ten times that size has been put into place in Thailand. Yet, this new program did not alter the fact that the collection effort is still largely passive. Where is the ground effort inside Indochina proper? When one reviews the recent statements by Col. Millard Peck, one sees that nothing has still been done in this direction.

The disinterest in the collection effort is tellingly demonstrated by the recent decision to add 100 slots to the POW/MIA effort. Only five of these slots are allocated to even the Stony Beach mission. The remainder are destined for the Defense Intelligence Agency, for the Central Identification Laboratory and other rear-echelon functions. Once intelligence is collected, it must be analyzed. An immediate, but generally overlooked, problem is that the "usable proof" test for the existence of live POW's, the satisfaction of which standard would trigger "decisive action" by the U.S. is unlikely to be satisfied, in any event. The criteria are so rigid that if, hypothetically, an American prisoner were to escape and report the continued detention of fellow prisoners, that report would not satisfy the criteria. Beyond that, the shortcomings in the analytical effort are too well known to bear reiterating in depth—from Gen. Eugene Tighe's "mindset to debunk" interview, through the Senate Foreign Relations Committee minority staff Interim Report, through Col. Peck's resignation letter. Against the weight of these, and other criticisms, it is trumpeted by supporters of the status quo that seven or eight investigations of DIA have found no coverup, which is somehow supposed to prove that DIA is working well.

Ourselves, we find it a remarkable commentary on the quality of effort that the POW/MIA establishment must find it continually necessary to have itself investigated in this regard, regardless of how many times it exonerates itself. And indeed, those of the reports and related materials which are available paint a picture of substantial shortcoming in the effort.

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[1] Office of the Assistant Secretary of Defense, International Security Affairs, "Critique of ABC 20/20 May 29, 1986 Program, 'MIA's: The Story That Will Not Die' ", (undated), p. 3.

[2] E.g., Jacksonville (NC) Daily News, August 30, 1986.

Thus, the House Task Force on American Prisoner and Missing in Southeast Asia, having investigated some of the earliest charges in 1984, "discovered that, in some instances, especially in the past, government agencies exhibited a less than perfect track record following through on the POW/MIA issue" and found significant manning shortages, especially in the lack of native Vietnamese and Laotian speakers, to conduct POW/MIA intelligence evaluation.[3]

When Gen. Leonard H. Perroots assumed command of the Defense Intelligence Agency, he commissioned Col. Kim Gaines to conduct an investigation of the Special Office. Yet, Gaines found that the office was afflicted with a "mindset to debunk" POW/MIA reports.[4] It is also rumored that the findings led to a personnel shakeup.[5]

The most famous of all the reports, although classified, is the Tighe Report.[6] The POW/MIA establishment jettisoned its formulation that there was a "strong possibility" that there were POW's still alive (a formulation that was verbally equated in the presence of several of our officers by one of Gen. Tighe's panel members to a definitive statement of the continued existence of live POW's). Moreover, the recommendations for improvement of the DIA Special Office were quite lengthy.[7]

Finally, the Pentagon has issued a press release refuting Col. Millard Peck's recent charges upon his resignation from the Special Office,[8] wherein we learn, after five paragraphs of firm insistence that there is "no foundation" to any of his charges, that this "thoughtful officer," in fact, has "made some helpful suggestions," as a result of which "Members of the POW/MIA Interagency Group should use a more formal process to request support from the office. And a procedure will be established to decide the priority of competing requests for POW/MIA intelligence information." And: "Where Col. Peck's allegations would strengthen the process, we have initiated appropriate changes."

Having failed to aggressively collect intelligence and having failed to properly analyze what it has collected, the government next concludes officially that "the information available to us precludes ruling out (the) possibility" that "Americans are still being detained against their will" and that the government proceeds on "the assumption that at least some Americans are still held captive.[9]" In practice, the government has done everything possible to negate that assumption. It has been repeatedly stated, in veterans forums and elsewhere,[10] that the United States has no "credible evidence" that anyone is being held in captivity now, or even (in some accounts) at any time since the withdrawal of our forces in 1973.

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[3] Hearing Before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Relations, House of Representatives, "Prisoners of War/Missing in Action in Southeast Asia: Recent Developments and Future Prospects," August 8, 1984, 38-352 O, pp. 58-61 ("Task Force Reports Findings on Hendon's Allegations").

[4] Hearing and Markup Before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives, The Tighe Report on American POW's and MIA's, October 15, 1986, 67-473, p. 20 (answer by Lt. Gen. Eugene F. Tighe, Jr.). Aware of the report, the Coalition advised the staff of then Rep. Robert Smith to seek this report at the same time he was seeking certain other internal reports from the Defense Intelligence Agency. We were informed that when the request was made, DIA denied there was any such report; when a separate public citation to the existence of the report was cited to DIA, it was allowed that, yes, there was a report, but that it wasn't in writing. We now understand that a copy of the written report is in an adjoining office in the Senate office complex. For other discussion of the shortcomings revealed by the Gaines report, see the discussion of the Tighe Report, infra.

[5] The Pentagon denied these rumors, stating, inpart, that an Analysis Branch Chief who was relieved was thereby freed up "to focus more attention on firsthand live-sighting reports and the collection, analysis and evaluation of available and incoming data." Office of the Assistant Secretary of Defense, International Security Affairs, Next of Kin Newsletter, May 28, 1986, p. 7. The individual in question is now one of the first two officials to be posted to Hanoi.

[6] Cf. New York Times, September 30, 1986, "P.O.W.'s Alive in Vietnam, Report Concludes;" Hearing et al., "The Tighe Report on American POW's and MIA's," *supra* note 12.

[7] On September 30, 1986, Gen. Perroots held a press conference at the Pentagon for foreign correspondents concerning the Tighe Report. On the second page of the official transcript of that press conference, he described "recommendations for improvements" as including "additional analytical and administrative personnel that were needed; automation of all files: increased physical work space; better integration of agency intelligence efforts; reassignment of peripheral workload, expansion of the data base, tasking of generic research projects, reorientation of the analytical approach; and better follow through on priority requests in the program/budget review process."

He added that most of these recommendations paralleled the findings of his "internal review process," apparently referring to the Gaines Report.

[8] Office of the Assistant Secretary of Defense (Public Affairs), News Release, June 19, 1991, "DOD Finds No Evidence of Peck Allegations."

[9] See, e.g., Department of Defense, *POW/MIA Fact Book*, July, 1985, p. 14; ibid., July, 1991, p. 8.

The media has been repeatedly whispered off the track with anonymous comments that there are no live POW's.[11] Given this attitude and the timing of several of the quoted leaks to coincide with major negotiating sessions with the Vietnamese, it is difficult to understand how the government can effectively negotiate for the return of live prisoners—it lacks the confidence of its own negotiating position.

The government publicists' preoccupation with remains is wearisome to the vast majority of us Vietnam veterans. But even if one assumes that there are only dead Americans, the negotiating effort has historically been inept. One would think that the negotiators would start by presenting all "discrepancy cases" to the Vietnamese. Yet, the only apparent efforts to do so were Henry Kissinger's 1973 presentation of 76 cases to the Vietnamese [12] and General John Vessey's submission, with more limited authority as a negotiator, of 70 such cases in 1987.[13] (We have been told verbally by State Department officials that it is General Vessey who has placed the emphasis on discrepancy cases. If that is the case, one must truly wonder what his predecessors thought they were doing.) Among the implications of these statistics is that the United States has never presented a full list of discrepancy cases to the Vietnamese: in 1972, U.S. intelligence identified at least 180 unreturned men (as of 1973) whose fate was the subject of "confirmed enemy knowledge.[14]

The POW/MIA Interagency Group is said to be in charge of coordinating policy on "the highest national priority." What is remarkable about this Group is the list of absentees: neither the CIA nor the National Security Agency is represented (nor, for that matter, the Drug Enforcement Agency).

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[10] See, e.g., the comments by Col. Joseph A. Schlatter, then chief of the Defense Intelligence Agency Special Office for POW/MIA Affairs, on the video "Seeking Answers," produced by the National League of Families, ca. December 1989 ("We do not have in the intelligence community any credible or convincing evidence that Americans are still alive today."); Schlatter wrote a letter to "Joyce Cook," a leading POW/MIA activist using a pseudonym, on March 30, 1988, in which he stated: "Further, there is no proof that living American prisoners remain in captivity."

[11] As a limited sample of such quotes, see: New York Times, September 4, 1985, p. A8, on the first Childress mission to Hanoi ("Despite movies that portray Americans being held in Vietnam, State Department officials said there is no evidence to indicate any are alive."); New York Times, January 8, 1986, p. A4, reporting from Hanoi on the Armitage mission ("While the United States has largely agreed that there is almost no likelihood that any missing Americans are still alive, . . ."); Newsweek, Jan. 20, 1986, reporting on the aftermath of the Armitage mission ("Few officials in Washington believe any MIA's are still alive."); New York Times, August 3, 1987, p. 1A3, on the occasion of the first Vessey mission to Hanoi ("Few United States officials—and no Hanoi-based European diplomats—believe that any Americans are being held captive in Vietnam."); Time, April 30, 1990, "Vietnam, 15 Years Later," p. 20 ("Although no U.S. official will say so publicly, the widespread conviction is that there are no more live Americans.").

[12] Stars and Stripes, October 12, 1987, p. 1 (two Congressmen publicly released the list); see also Hearing Before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Relations of the House of Representatives, Access to Classified Live-Sighting Information Concerning POW/MIA's in Southeast Asia—Is New Legislation Needed?, April 20, 1988, 96–815 (hereinafter "Hearing re Access"), p. 254 et seq. Rather astonishingly, the Defense Intelligence Agency, requested by the committee to respond to the allegations contained therein, wrote: The notion of a so-called 'Kissinger list' is incorrectly generated from Henry Kissinger's attempts to persuade the Vietnamese to be forthcoming in supplying information on the missing. At that time, he passed some negotiation narratives (the number is *unknown* but believed to be less than 100) to the communists . . . *(T)here was no record made of what cases were provided."* Hearing re Access, p. 277. This in the face of both quoted testimony from Kissinger's Secretary of State confirmation hearings ("some 80") and the release and publication of the list of 76 cases in question! If DIA is unable to access confirmation hearings for a Secretary of State or even a press conference by two Congressmen, reported in the media, small wonder that it cannot locate MIA's!

[13] The Coalition has obtained a copy of the Vessey list. Suffice it to say, there is considerable overlap between the two lists. According to Gen. Vessey's testimony in the House on July 17, another 49 such cases have since been presented.

[14] This was the so-called classification of "Category One" MIA's, in a range of five categories, from "confirmed knowledge" 'to "remains unrecoverable." DIA has since taken the position that these categories "are irrelevant to the ongoing accounting effort" and they were only a "rough estimate." Hearing re Access at 277. It is difficult to understand why an intelligence estimate in 1972 is no longer valid or relevant—there has been no change in the status of the enemy's knowledge of any Category One MIA since 1972. If still unreturned, he (or, in two cases, she) was either alive or dead at that time, within their knowledge, and must be detained alive or dead today.

Which brings us to a salient question: how much relevant information is in the possession of agencies other than the Defense Intelligence Agency or JCRC? For example:

1) We have previously charged before the Senate Rules Committee that in June and July 1991, massive destruction of POW-related materials took place at the State Department, we have met with the Vice Chairman and Staff Director concerning this matter, and we hope that the proper follow-up will ensue.

2) As we indicated in our 1986 testimony before the Senate Veterans Committee, the FBI has done photo resolutions of alleged POW's. What do its records show? And if the records were moved, where are they now?

3) Given the allegations of Jerry Mooney, and now Terry Minarcin, what do the NSA records show? Or the armed forces security agencies?

We of the National Vietnam Veterans Coalition are prepared to work cooperatively with the Committee. While we are pleased with the selection of the Senators serving on the Select Committee and the top Committee leadership staff, we have a concern that the investigative approach appears to be directed to making an analysis of Defense Intelligence records rather than being able to deal with the totality of the issue. A comprehensive investigation can be assured only by augmenting the current staff with a team of professionals, such as FBI and Secret Service trained investigators, to root out all the facts.

Senator SMITH [presiding]. Thank you, Mr. Burch.

Mr. Duker.

STATEMENT OF BILL DUKER, CHAIRMAN, VIETNAM VETERANS OF AMERICA STANDING COMMITTEE ON POW/MIA; ACCOMPANIED BY PAUL S. EGAN, EXECUTIVE DIRECTOR, VIETNAM VETERANS OF AMERICA

Mr. DUKER. Mr. Chairman and Members of the Committee, my name is Bill Duker. I was a Navy hospital corpsman, assigned to the Marine Corps in Vietnam in 1970. The question we are asked today is, have the actions of the U.S. Government agencies involved in the POW/MIA issue demonstrated a level of effort commensurate with the now 10-year old Presidential declaration of highest national priority and the Government's stated assumption that there are live Americans still in Southeast Asia. Regrettably and tragically, the answer is no.

The American public has been provided with very little information on which to base its opinion as to whether any progress has been made since Operation Homecoming 18 years ago. This lack of information is due to the fact that all but the smallest amount of data remains classified and access to this data is limited to only a few lines.

Mr. Chairman, it would be unrealistic for us to accept a full accounting of all 2,273 still listed missing. However, we do expect, at a minimum, the fullest possible accounting. It seems that those designated governmental agencies assigned to investigate crash sites, interview witnesses, review archives, et cetera, have succeeded in increasing the number of remains returned.

We believe the same agencies have failed to expend the same amount of effort investigating the reports of live sightings. How do we come to this conclusion? We must listen, read and study as much information as humanly possible. Where does this information come from? As stated earlier, very little factual information is released by the Government. This leaves the public with only one other option and that is to pursue answers through nongovernmental sources. The sources include not only the electronic and print media, or congressional committees, resigned directors of one of those agencies assigned to investigate the issue, an ex-POW, family members, past members of military intelligence, refugees, former Members of Congress, even a long-distance runner. And what do these sources tell us?

They tell us the Government has failed to live up to its declaration of highest national priority. Many will tell us the Government is obstructive, uncooperative, corrupt and guilty of an extensive cover-up. The Government and some of its organizational supporters would characterize these charges as representatives of the lunatic fringe. Either the Government and its supporters have the information the rest of us lack, or they refuse to believe our Government could possibly be guilty of such allegations. Here again, the absence of information makes a rational judgment impossible.

Tragically, there are those who seem susceptible to advancing their own agenda on this issue, rather than truly seeking a resolution. For those whose only motive is profit or influence, our reaction is one of disgust. Unfortunately, some of the Government's supporters would like to paint all those who are critical of the Government's effort with the same broad brush. This is just as wrong as stating that everyone working for the Government on this issue is guilty of deceit.

In our opinion, the public has lost confidence in our Government's efforts to achieve its stated goals. To restore this confidence, the Government must release more factual information and act on that information in a much more timely manner. Vietnam Veterans of America supports legislation to declassify POW/MIA information, as long as that declassification protects the privacy of the families and safeguards U.S. intelligence methods and sources. Vietnam Veterans of America also affirms that the repatriation of all live Americans merits priority over the return of remains.

This is not meant to diminish the importance of retrieving and identifying remains. This, of course, should continue, but not at the expense of pursuing the return of live Americans.

We feel this Committee has a great opportunity to determine why America has achieved its highest goal to bring live Americans home. And is this failure due to a conspiracy or a cover-up, as many feel? If so, this Committee should find out who is responsible, and let justice prevail.

The lack of information, information only the Government possesses is causing such deviciveness, so much distrust, so much pain, that the very legitimacy of the Government is called into question. This Committee can find the truth, and must find the truth. Anything less than the truth dishonors all those who sacrificed their freedom and their lives. It also dishonors their families, their fellow veterans, and ultimately this country and everything it stands for.

Mr. Chairman, that concludes my testimony.

[The prepared statement of Mr. Duker follows:]

PREPARED STATEMENT OF BILL DUKER

The unknown fate of 2,273 U.S. service personnel and others still unaccounted for continues to be one of the most painful and divisive legacies of the Vietnam War. All Americans, but especially family members and fellow Vietnam veterans, have been denied the certainty as to how (and in many cases, if) their loved ones and comrades-in-arms died. Thus, the Vietnam War lacks an important sense of closure that must occur for individuals and a society to complete the necessary grieving process and to heal the persistent emotional wounds of war.

The past 2 years have witnessed a remarkable acceleration of the pace and scope of potentially significant developments on the POW/MIA issue. After analyzing these developments, we concluded that there is reasonable cause for hope that substantial progress toward resolution of the POW/MIA issue may be achieved in the next few months and years. By "substantial progress" we mean:

1) Answers regarding the fate of those not yet accounted for; and

2) Greater commitment to public accountability and public information that may help restore public confidence in our government's commitment to handling this issue as a matter "of the highest national priority."

The specific events which lead us to hope for substantial progress on this issue are the following:

1) Action by the U.S. Senate to establish this Special Committee to investigate the issue.

2) Progress on legislation in the U.S. Congress to declassify information regarding the POW/MIA issue.

3) The heightened public awareness and concern brought about by media coverage of the Peck resignation, the Helms Report, and purported photos of live American POW's.

4) The willingness of the Vietnamese Government to permit access to wartime archives and records to investigators assigned to the U.S. Government's POW/MIA office that opened in Hanoi in early July.

5) The addition of 88 (to the previous 134) Department of Defense personnel to the POW/MIA effort.

6) The Soviet Union's withdrawal of all aid and subsidies to Vietnam, further inducing the government of Vietnam to take more seriously U.S. concerns on the POW/MIA issue.

7) Recent changes in leadership in the government of Vietnam and reforms that have been implemented in the past 2 years toward a more open domestic economy.

8) Significant progress toward what hopefully will become a peaceful settlement of the conflict in Cambodia.

9) Success in the opening of informal discussions between the U.S. and North Korea, yielding the first return of remains of U.S. service personnel since the end of the Korean War.

We have been asked by this Committee to focus our testimony on one question: Have the actions of the U.S. Government agencies involved in the POW/MIA issue clearly demonstrated a level of effort commensurate with the now 10-year old presidential declaration of "highest national priority" and the government's stated assumption that there are live Americans still in Southeast Asia?

Regrettably, all but the smallest amount of information regarding this issue remains classified. Only a few U.S. Government agencies and the Congress have access to this classified information. Under these circumstances, the best we can offer in answer to this question is based on our general sense, after years of closely following the POW/MIA issue, that the government has failed to match its rhetoric with concrete deeds.

In particular, the American public has been given little, if any, clear indication as to what progress has been made in the last ten years, or for that matter in the eighteen years since Operation Homecoming.

When we ask the relevant government agencies for a "progress report", we are given only a recitation of numbers. And these numbers, like statistics, can be very misleading. Although it may seem to some like heresy to say so, it is unreasonable to set the goal for accountability at the total number of 2,273, if by accountability we mean the return of all live Americans and the repatriation of all remains. Veterans with combat experience know full well what modern munitions can do to the human body. Similarly, the density of the jungle where this war was waged can hide remains in remote areas for decades, or forever. The tactics of taking and then giving up terrain during the war made recovery of all those who died in battle impossible.

Most Vietnam veterans genuinely want to believe that there are some among those unaccounted for who still survive. We know how indestructible the human spirit is, even under unthinkably harsh conditions. We need only recall the stories of those who returned in 1973 to be reminded that it is possible to survive. When we ask the government agencies what is the possible number of those who may still be alive, the government has been either unwilling or perhaps legitimately unable to say. Once again, however, due to the lack of sufficient factual information released by the government, the American people have little basis on which to draw a reasonable conclusion. In our experience, this lack of information has fostered speculation and suspicion about the government's efforts.

Has the government devoted effort commensurate with "the highest national priority"? On the one hand, virtually all factually reliable information is classified and distribution is limited to a very small circle. On the other hand, the American public is exposed through broadcast and print media only to non-classified information, much of which is of doubtful origin and is all too often sensational rather than substantive. Such information is often little more than speculation, supposition or inference based on only a small portion of verifiable facts. At times, such information appears to be misinformation that is simply passed on by private groups and individuals whose motives are sincere, but whose capabilities to verify or correlate information are limited.

There are other instances when it appears that unverifiable information is promulgated by some whose interests lie not in resolution of the issue but in promoting some other political or financial or emotional agenda. It is common knowledge, for example, that there are in Southeast Asia unscrupulous profiteers who deal in dogtags, bones, and fabricated information. These profiteers have duped many refugees into thinking that emigration to the United States will be expedited by their possession of these items or information.

It is bad enough that Southeast Asian refugees are unwitting victims of this fraud. It is worse, however, when this fraud reaches far beyond Southeast Asia, gaining wide circulation among the American people, whose growing mistrust of government has been fed over the last twenty-five years by the Vietnam War itself, Watergate, and allegations of ethical misconduct by elected officials. In this environment, how can any of us have confidence in the diligence of our government's efforts to account for those still missing.

Moreover, those very U.S. Government agencies, having been so reticent about sharing verifiable information with the American people, are often distracted from potentially more productive tasks as they attempt to track down sources of fabricated information to determine authenticity. It appears to us that secrecy itself, when too broadly invoked without some outside review, has led to further charges of lack of diligent effort (or worse, "conspiracy", or "cover-up") against our government.

Thus, the government's unwillingness to share factual information has collided with the American public's right to answers regarding the fate of those who have been unaccounted for since the end of the war in Vietnam. It is this collision that continues to evoke suspicion and distrust, which only adds to the continuing pain and grieving of family members, fellow veterans and all Americans and to distract attention and commitment of vital intelligence resources from resolution of the issue.

In our opinion the only way to break the cycle of false hope, cynicism, suspicion, and despair on the part of the American people, and the distraction of government intelligence resources due to false information is to offer public access to the maximum extent possible consistent with authentic needs to protect legitimate intelligence sources and the rights of the families.

Let us add here that, based on our many contacts with these government agencies, we believe that there are many honest, conscientious men and women who are sincerely committed to finding answers to the fate of those still unaccounted for. They have committed their lives to this quest for answers. They clearly understand that their goal is the return any Americans who remain alive in Southeast Asia and the repatriation of as many remains as humanly possible. But their reputations have been repeatedly impugned by charges of "cover-up" and conspiracy. Whether or not such charges have any foundation in fact against some individuals will hopefully be determined by this Committee. We hope that such a determination will also clear the reputations of those conscientious men and women who have worked so hard on this issue.

At the beginning of this testimony, we defined "substantial progress" on the POW/MIA issue as: 1) answers to a significant number of cases and 2) greater commitment to public accountability and public information. Both of these points are essential to "substantial progress." It is our view that, even if hundreds of additional cases of those missing were to be resolved in the near future, the controversy and the divisions that the POW/MIA issue has evoked will not subside until public confidence is restored. And, in our view, public confidence will only be restored when the public is certain that its government is committed to being forthcoming with factual information and act on this information in a timely manner.

Vietnam Veterans of America has, since 1983, supported declassification of POW/MIA information. VVA supports current legislation to declassify—namely provisions for declassification have been included in the House Intelligence Authorization Bill and in the Senate Defense Authorization Bill—based on the assurances in the legislation to respect legitimate concerns for protecting U.S. intelligence methods, the privacy of the families, and the freedom and safety of the source of the information.

Vietnam Veterans of America further affirms that repatriation of any live prisoner of war merits substantial priority over the return of remains and other issues that are the subject of negotiation between the U.S. and Vietnamese Governments.

In conclusion, we feel it necessary to say what too-many have avoided saying. It is our hope that, at some point in the future, the government agencies will have shared with the public all that can be known and disclosed on the POW/MIA issue. It is our hope that public confidence in these government agencies will then have been restored. At that point in time, all of us—family members, Vietnam veterans, political leaders, and the American public—must come to the humbling conclusion that everything humanly possible has been done to locate and return these missing servicemen.

Those 2,273 still listed as unaccounted for, as well as the 56,000 others whose names are engraved on the Vietnam Veterans Memorial, sacrificed their freedom and their lives so that we, the survivors, may live in peace. To permit the divisiveness of the Vietnam War to continue any longer dishonors these dead and missing.

Mr. Chairman, this concluded our statement.

Senator Smith. Thank you, thank you very much Mr. Duker.

Mr. Andry.

STATEMENT OF JOSEPH E. ANDRY, PAST NATIONAL COMMANDER DISABLED AMERICAN VETERANS

Mr. Andry. Thank you, Mr. Chairman. My name is Joe Andry. I was in the Army 1969 to 1970; served in Vietnam in the infantry.

Mr. Chairman and Members of the Committee. On behalf of the more than 1.4 million members of the Disabled American Veterans and its Ladies' Auxiliary, may I say that we deeply appreciate being given the opportunity to present our views on what has become a thorn in America's heart—the issue of America's 90,000 unaccounted for prisoners of war and missing in action from World War II, the Korean War, and the Vietnam War.

Mr. Chairman, at the outset, I wish to commend you, Vice Chairman Senator Smith, and all the Members of the Committee for your commitment to assess our Nation's ability to investigate alleged accounts of American POW's. Additionally, the DAV deeply appreciates the Committee's decision to investigate the U.S. Government's handling of POW/MIA matters since World War II.

As Chairman of the DAV's POW/MIA Advisory Committee, and as a combat-disabled veteran who lost an eye and a leg during the Vietnam War, I can assure you that the POW/MIA issue is one of great, emotional and symbolic importance to the membership of the DAV, and to me, personally. It is also an issue deserving the full attention of our Nation—and finally some answers.

In pursuit of these answers, the DAV feels strongly that this Committee must have a dual primary mission. The first part of the mission should focus on an aggressive pursuit of live sightings in Southeast Asia. The second part of the Committee's mission—and one we in the DAV feel is of equal importance—should be an encompassing investigation into why our Government still has not accounted for some 90,000 soldiers, sailors, airman, and Marines since the end of World War II.

Regarding Vietnam and Southeast Asia, the DAV strongly urges your Committee to aggressively investigate what specific political, diplomatic, and military actions led the U.S. Government to apparently "close the books" on our POW/MIA's after "Operation Homecoming" in 1973. We also urge the Committee to carefully scrutinize the actions our Government has taken—or failed to take—to resolve this issue during the past 18 years.

It is also critical, we feel, that this Committee conduct a thorough review and evaluation of raw intelligence materials from the appropriate Government agencies to determine the effectiveness and credibility of the U.S. intelligence community regarding the POW/MIA issue.

Regarding World War II and Korea, the DAV also urges this Committee to carefully examine our Government's political, diplomatic, and military actions to determine why 78,500 men remain unaccounted for from World War II, and 8,177 men remain unaccounted for from the Korean War. The Committee should also explore evidence that seems to indicate that the Soviet Union, prior to the fall of Communism, purposely held American prisoners as political pawns following World War II, the Korean War, and the Vietnam War.

Mr. Chairman, let me say we don't expect this Committee to take on mission impossible by trying to account for every, single POW or MIA. But we do believe that every effort should be made to determine why the Government has been unable to do a better job of accounting for these soldiers. Furthermore, every effort should be made to determine what plans our Government has made to prevent this intolerable situation from happening again.

It is also my duty, Mr. Chairman, to inform you that the DAV membership feels so strongly about the POW/MIA issue that the delegates at our most recent national convention unanimously adopted two resolutions that deal specifically with this issue.

The first resolution urges our Government not to establish normalized relations with the Socialist Republic of Vietnam until the POW/MIA issue is resolved. The second resolution urges our Government not to lift the trade embargo with Vietnam until the POW/MIA issue is resolved.

Mr. Chairman, it is the feeling of the DAV that if a man or woman is good enough to put on the uniform of this country, and willing to make the sacrifices necessary to defend this country, that our Government should do whatever it takes to bring those warriors, or their remains, home. To do anything less would be a moral tragedy that goes against the grain of everything this Nation stands for.

This concludes my statement, Mr. Chairman. Again, I thank you for extending us the opportunity to participate in today's proceedings, and wish you and the Committee God Speed in your efforts to remove this thorn from America's hearts.

[The prepared statement of Mr. Andry and the information referred to follow:]

Prepared Statement of Joseph E. Andry

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As chairman of the DAV's POW/MIA Advisory Committee, and as a combat-disabled veteran who lost an eye and a leg during the Vietnam War, I can assure you that the POW/MIA issue is one of great emotional and symbolic importance to the membership of the Disabled American Veterans and to me personally. It is also an issue that deserves the full attention of our Nation and an issue that deserves answers.

In pursuit of these answers, the DAV feels strongly that this Committee must have a dual primary mission. The first part of the mission should focus on an aggressive pursuit of live sightings in Southeast Asia. The second part of the Committee's mission, and one we in the DAV feel is of equal importance, should be an encompassing investigation into why our government still has not accounted for some 90,000 soldiers, sailors, airmen, and Marines since the end of World War II.

Regarding Vietnam and Southeast Asia, the DAV strongly urges the Senate Select Committee on POW/MIA Affairs to aggressively investigate what specific political, diplomatic, and military actions led the U.S. government to apparently "close the books" on our POW/MIA's after "Operation Homecoming" in 1973. We also urge the Committee to carefully scrutinize the actions our government has taken to resolve this issue during the past 18 years.

It is also critical, we feel, that this Committee conduct a thorough review and evaluation of raw intelligence materials from the appropriate government agencies to determine the effectiveness and credibility of the U.S. intelligence community regarding the POW/MIA issue.

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Mr. Chairman, let me say here that we don't expect this Committee to take on "mission impossible" by trying to account for every single POW or MIA. But we do believe that every effort should be made to determine why the government has been unable to do a better job of accounting for these soldiers and that every effort should be made to determine what plans our government has made to prevent this intolerable situation from happening again.

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Mr. Chairman, it is the feeling of the DAV that if a man or woman is good enough to put on the uniform of this country and willing to make the sacrifices necessary to defend this country, then this country's government should do whatever it takes to bring those warriors, or their remains, home. To do anything less would be a moral tragedy and go against the grain of everything this Nation stands for.

This concludes my statement, Mr. Chairman. Again, I thank you for extending us the opportunity to participate in today's proceedings and wish you and the Committee God Speed in your efforts to remove this thorn from America's heart.

RESOLUTION No. 355 Legislative

IN SUPPORT OF THE CREATION OF A DAV POW/MIA ADVISORY COMMITTEE TO THE NATIONAL COMMANDER AND THE CREATION OF A PRESIDENTIAL COMMISSION ON POW/MIA'S

WHEREAS, the fate of American military personnel who are classified as Prisoner-of-War (POW) or Missing-in-Action (MIA) is of utmost concern to the Disabled American Veterans; and

WHEREAS, our Nation must never cease its efforts to secure the repatriation of all POW/MIA's who may still be alive, the return of the remains of all those who are deceased and the gathering of all related information; and

WHEREAS, the DAV should have a special POW/MIA Advisory Committee whose sole function would be to monitor this most important issue, act as a liaison with other public and private entities similarly involved and generally ensure that our organization is informed and in the best position to make appropriate POW/MIA policy decisions; NOW

THEREFORE, BE IT RESOLVED that the Disabled American Veterans in National Convention assembled in New Orleans, Louisiana, July 28-August 1, 1991, calls upon our National Commander to appoint a POW/MIA Advisory Committee; AND

BE IT FURTHER RESOLVED that we strongly urge the President of the United States to appoint a special Presidential Commission on POW/MIA's.

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Resolution No. 356 Legislative

SEEKING THE IMMEDIATE RELEASE OF ANY AMERICANS WHO MAY STILL BE HELD CAPTIVE FOLLOWING WORLD WAR II, THE KOREAN WAR AND VIETNAM WAR AND THE RETURN OF THE REMAINS OF ANY AMERICANS WHO DIED DURING THESE WARS

WHEREAS, the members of the Disabled American Veterans are deeply concerned for the thousands of American servicemen still unaccounted for in the aftermath of World War II, the Korean War and the Vietnam War; and

WHEREAS, numerous efforts by high level American delegations including Members of Congress have visited Southeast Asia in continuing efforts to solve the mystery of the whereabouts and fate of these brave men without success; and

WHEREAS, the brave families of these missing Americans continue to live in uncertainty and anguish regarding their missing sons and husbands; and

WHEREAS, there are still today more than seventy-eight thousand unaccounted for following World War II, some eight thousand from the Korean War and over two thousand two hundred in Southeast Asia from the Vietnam War who have not been forgotten; NOW

THEREFORE, BE IT RESOLVED that the Disabled American Veterans in National Convention assembled in New Orleans, Louisiana, July 28-August 1, 1991, urges the U.S. Government to ensure that this issue be considered as one of America's highest priorities, accelerating efforts to obtain the release of any American who still may be held captive and obtain the fullest possible accounting of those still missing and the repatriation of the remains of those who died while serving our nation; AND

BE IT FURTHER RESOLVED that we urge passage of Congressional legislation that would direct the heads of federal departments and agencies to fully disclose to the American public information concerning United States personnel classified as prisoners-of-war or missing in action from World War II, the Korean War and the Vietnam War; AND

BE IT FURTHER RESOLVED that we urge the U. S. Government not to establish normalized economic and diplomatic relations with the Socialist Republic of Vietnam until the government of the Socialist Republic of Vietnam provides the U.S. Government with the fullest possible accounting of over two thousand three hundred personnel classified as prisoners of war or missing in action from the Vietnam War.

The **Chairman** [presiding]. Thank you, Mr. Andry, thank you, gentlemen.

While I was not here for all of your testimony, Mr. Burch, Mr. Duker, as you see there's a hollow opening back there and we can hear. And I am sorry I missed part of it.

First of all, I want to thank you for taking the time to come here. I want to thank those of you who have made the journeys to Vietnam in pursuit of answers to this question. I want to thank you for your cooperation—both with me, personally, as well as with the Committee. A lot of good suggestions have come forward from you and from the groups and organizations you represent—many of which I think you know have been incorporated into the approach of the Select Committee.

Over the course of the next months, I think we have worked out a good relationship where we will continue to be in communication with you and through you, to your memberships, and to the larger Veterans community which is so much involved in this.

I also think we have succeeded in working out a beneficial relationship between yourselves and the Defense Department. And you gentlemen should tell us whether or not that is working. But I believe that Secretary Ford and the Department have now made themselves available in ways they have not been previously—that they are available for briefings on demand, so to speak.

And there is no question that Senator Smith and I are convinced that you can play a very important role in helping to re-establish credibility. The fact that you are here today, saying what you said, is a huge message, in and of itself—when five, major, nationally chartered Veterans groups come before a Select Committee like this, and voice a frustration of their membership of millions of veterans in this country, and voice it through resolutions, as well as through the other efforts that have been made—there really is a big sign being painted on the wall that people in Government might take note of. Whether there is justification for every aspect of your disgruntlement or dissatisfaction is probably a legitimate question for the Pentagon or somebody else to ask. There may be some misinterpretations. There may be some mis-communications. There may be some misunderstandings that have resulted in these feelings.

But what is important is the bottom line—the feelings exist; the breach of the relationship is real. And so no matter what distance has been traveled in years by-gone, the reality is that in order to heal this Nation, as well as to provide a united front in the resolution of this issue, there has to be a new communication—there has to be a reaching out.

My question to you first of all, is do you believe that based on Secretary Cheney's testimony yesterday; based on the reorganization effort which General Christmas and others have articulated; based on the forthcoming testimony and admission as to prior fault put forward before this Committee by Secretary Ford—do you believe now that there is the makings of a new relationship, and/or that your pleas and complaints are being responded to?

Mr. Wallace.

Mr. WALLACE. I don't think there's any doubt about that. We do believe that there is a new level of cooperation. But we are always skeptical, because we've been told that for so many years. We want to see the proof actually happen.

Mr. SOMMER. I would have to agree with Bob. We've had these things laid out and some nice statements have been made. But we have to see whether these statements are going to be put into action, and whether there will actually be more communication with the Veterans organizations and other people involved with this issue—whether there will be more information provided to the families, and to more things done to address the concerns that we've set forth in our statement.

The Chairman. Anybody else want to tackle that?

Mr. Burch. Mr. Chairman, the Defense Department doesn't work with the National Vietnam Veterans Coalition. I have to tell you, Mr. Chairman, we're extremely concerned about this destruction of documents matter. We alleged that it happened, not only in the State Department but DIA and the White House. We will give the Committee all the information we have. But people who are informants on that don't want to leave their jobs on it. That's why we want this professional staff of the FBI and Secret Service Agents that we have met, with your very excellent Staff Director and the Vice Chairman about to be augmented in your Committee. Because it has to be professionally done to weed that out.

And if that's true, a lot of important, critical documents have been destroyed. That's a huge implications of that, and they will have to be reconstructed and brought to the Committee. You're not going to get that out unless you get this professional staff available to you, sir. We'll give you that information, but we don't want to destroy these people's career with an inept effort.

So we ask you very seriously to consider that proposal, so we can bring that information forward to the Committee.

The Chairman. Well, let me just say to you that the Committee is going to require that you bring that information forward. Because if the Committee now has in its hands evidence of a potential felony having been committed, it is our obligation to pursue that. And it is also our obligation to pursue it because there is no other way we can get to the bottom of this.

Now, I can assure you that we have hired what we hope, and what we consider to be extraordinarily capable professional staff.

Mr. Burch. Sir, if I could, because I have been through this—this is the third time before a Committee. We did this with the Veterans Affairs Committee. We knew at that time it was a Mr. Muir who did the photo resolutions for the FBI. The information we had done to the room he was in. He had two files, one of confirmations of pictures that they knew were men in the photograph analysis, or they confirmed them, or one file of rejections. And the same thing, we came to the Committee—we often do in conference—we said please, protect the source, because that would be the best evidence, confirmation by the FBI that these men were there. They did not protect it. They leaked it. They transferred that person. They transferred the files. They never called him before the Committee. We don't want that to happen again, sir.

The Chairman. Let me assure you that that is not going to happen. We have brought to the Committee a general counsel that I worked with when I was a prosecutor in the District Attorney's Office, and subsequent to my departure here in that office. He is a private attorney today. He is a litigator. And he understands the workings of an investigation as well as anybody. And that is why he has been brought to this Committee.

In addition to that, we have a number of other lawyers and professionals who have been hired for their skill and expertise. For us to be able to pursue it, it is critical that this information be shared with us. And you are going to have to trust my word, and Senator

Smith's word that it is going to be handled properly. Obviously, we do not want anybody's life disrupted or compromised. But the time has come for these kinds of allegations to be laid on the table, and for the sources not to be hidden from the Committee, at least.

There is no way the Committee can proceed without that kind of information being put in front of it. So I ask you, and anyone else who has that kind of information—and you can hold this Senator and Senator Smith accountable, and I am sure you will if something happens. But we are going to have to proceed down that kind of road. And we rely on your cooperation to make that happen.

Now, I have written the Secretary of State, as per your original allegation. We have not yet had a response from the Secretary of State. But we expect your people to be forthcoming to us in order to permit us to follow through on that allegation.

Mr. BURCH. You have an excellent General Counsel. We will be able to work with him. He has the right kind of background.

The CHAIRMAN. Thank you.

Are there any other comments?

Mr. DUKER. Mr. Chairman, all we've ever asked is for this Committee to receive the truth; to receive the answers that you need to do the job. We are not looking for a witch hunt. We want this Committee to receive those answers. That's what we want. That's what we looked for.

Mr. Andry.

Mr. ANDRY. Mr. Chairman, I would just like to—in addition to what all the other organizations have said—if they were encouraged by the action that's been taken, we just hope to see some results this time.

Mr. DUKER. Thank you very much. We appreciate it.

With respect to the various groups' attitudes on the degree to which the Government has been forthcoming, is there a sense among you that the declassification process, and the openness will do a lot to break down the barrier that has existed, and a lot of the suspicion that has been created?

Mr. WALLACE. There's no question about that, Senator. You know and I know that if you go to a doctor and you don't get the report the next day, you start wondering, your mind starts wondering.

Since the Vietnam War has ended, we haven't gotten those answers. We don't know what's there, because the information is classified. And you're never going to get it. I think that moving to declassify the information is a step in the right direction—it's something the VFW has called for and supports, the Senate bill, that's in the process of going forward. And we hope that it happens immediately.

The CHAIRMAN. Let me say to you all, before I turn it over to Senator Smith—we need your help. We rely on you, and we need the families help. There is a lot of high emotion in this issue, and there's a lot of ability for people to take a kernel of truth or a tiny bit of evidence and make it into something that it might not be—for a lot of different reasons.

The Committee is going to be very careful about that. But we need your help to keep the communication process open so people are not jumping to conclusions and are not creating conspiracies where there are not any. And I hope we can rely on you as we proceed here, to be one of the channels of communication; to be able to make sure that people are understanding how we are approaching this and what we are doing; and also what ought to be interpreted appropriately, as what——

Mr. **Wallace**. I can assure you the support of Veterans of Foreign Wars.

Mr. **Sommer**. Additionally, Mr. Chairman, I can assure you the support of the American Legion. We certainly find refreshing the openness with which the Committee and the staff has been working since your organizational meeting. And we look forward to continue to cooperate with you and the staff in the give and take, and provide any information we can.

The **Chairman**. I just want to assure you that we are determined. And I have met with Secretary Ford and others, and they are determined. And I am convinced of this. And I said this yesterday. I believe they understand the problem. And I believe yesterday was an important departure point, because, in effect, they admitted that mistakes have been made in the past, but that they are trying to deal with where we are going now and in the future. And that is the first time I have heard that in 15 years, I must say to you.

So I thought that that was an important departure point. And what it means is that I think we can break-down the barriers of classification. We can open it up. And in many cases, we are going to need your help in terms of making sure families are fully apprised of what we are doing, to the degree that we are limited and cannot do it or so forth, but we are going to try to.

And we have one person assigned on the staff to act as a liaison to the families. And I want the families to understand that, that that access is also open to the Committee. But we are going to need to have open communication here, so that hopefully each month will bring a greater sense of openness and cooperative effort here. And we can dispel the sense that everybody is part of the problem. And I do not think we are.

Senator Smith.

Senator **Smith**. Thank you, Senator Kerry.

First of all, I would like to read a short message from Senator Grassley, because he could not be here. He was here all morning.

> I had to meet with constituents, and regret I was unable to attend this portion of the hearing. Yet, I want the members of this panel to know their contribution and grassroots effort on this issue were the key factor in getting Congress to refocus on this issue.

Thank you for your contribution and your testimony. I certainly would lend my support to those words as well, that you, gentlemen and the organizations that you represent have certainly been beyond belief, really, in terms of the public support for some resolvement, any resolvement of this issue, and listening to all of you, in listening to your responses to some of Senator Kerry's questions—I just want you to know, and I am speaking for myself, but I believe I speak for everyone on the Committee, and perhaps some, even in the Executive Branch—that given all the past history, that we have to earn your respect. We have to earn that—we know that—we, being all of us in the Government who, in whatever way, in whatever manner, so to speak, have been remiss in not resolving this issue. And we do not expect that it is going to be provided to us, unless we earn it.

And it is not so much that, as it is that there is, I believe, a commitment on the part of every Member of this Committee. Senator Kerry and I have talked about it at great length, that there are a number of things that we have to do here. But we cannot correct mistakes in the past. We cannot undo them, but we can take action to see to it that future mistakes do not happen again. So in that sense, I suppose we could say correcting them—we are not the panacea, this Committee. We are human beings. There are 12 of us here. We are going to try to do a good job. It is a bi-partisan effort, as you know. Staff is bi-partisan—non-partisan, is a better word. We have made that commitment—Senator Kerry and I have made that commitment to each other. We hardly knew each other 2 months ago. But it seems like I have known him now for 10 years.

The CHAIRMAN. I am going to take that affirmatively. [Laughter.]

Senator SMITH. We are driven on this thing. I just want you to know that. We are driven and committed to resolving this. And I think it is important to look at where we are going.

The focus here, first of all, is to find out what, if there are live Americans in South East Asia. That is the number one focus—nothing else is as important to us as that. The second is, as you said, Mr. Wallace, to declassify information which should not be classified. And I have been fighting for that for those 7 years I have been in Congress, have had some minor successes on it on the House side. And I have supported that—subject to sources and methods. I have not had a lot of cooperation from many, both in and outside the Government, frankly, to do that. But I believe that that is a key answer, a key resolution to this problem that you are going to dispel a lot of these concerns if, in fact, we can get information out there that does not have to be classified.

For the life of me, I have never been able to understand why we take a position in 1973 that everybody is dead. And then we proceed to classify all information which says they are alive. Then, we now take a position—which is the official position, as I understand it from the Government—that there may be. We operate under the assumption that there are American—live Americans in South East Asia. Well, if they are all dead, how can you operate under that assumption? You either operate under the assumption they are all dead, or you operate under the assumption they may be alive. That is a conflict. Nobody yet—any of the witnesses—have yet addressed that, as far as I am concerned, in an adequate manner in terms of which it is. It is one or the other. That ought to be the Government policy. It is not—it is a mixed policy. It does not say anything.

So therefore, I want you to understand, too, what we get. And I do not—I am not discrediting anybody, do not mean to. But we get an awful lot of kooks out there who provide us a lot of stuff that is just pure hogwash. And we run down a lot of—a lot—of rabbit holes, with absolutely no hope of ever finding the bottom of the rabbit hole with a rabbit in it, at all. And that is very frustrating for us. Because it takes a lot of our staff time. And many—and much of the information which comes to us, I think, that—the good information that comes to us, comes to us as a result of the frustration with the process, not being able to trust somebody—maybe you knew one particular Member of Congress you do not trust so you come to me, or you do not trust me, you go to somebody else. Or you do not trust the Pentagon so you come to us. Or you do not trust the Congress, so you go to the Pentagon.

But I have to say—and I agree with Senator Kerry—that based on the remarks that have been made—and this is a big movement for me to say this, based on the testimony yesterday gave by Secretary Cheney, by Carl Ford and others, and some witnesses here today, I believe that there is a turn-around; that there is an effort being made now, a true effort, to share information, to get the truth out to resolve this issue. But the focus should be to do it, again focusing on declassification, getting the truth to the families, whatever the truth is; getting the remains to the families, if there are any.

But the most important issue is finding out whether or not there are live Americans. And that is what the focus of this Committee is. That is what we are going to try to do. And I appreciate your testimony. I know the Committee does, because you have been involved in it. You are dealing with the grassroots people. You are dealing with people in almost every case—in all cases, people who have served in Vietnam, or somehow served their country in some war who want an answer, that want answers. And we are going to try to find them.

And I think that this Committee has the resources, has the commitment to get the answers. And if we get the cooperation: A) from our own Government, which I believe is forthcoming now; and B) from the governments in South East Asia, which is where the answers are, I think we can resolve it. And I know the Vietnamese have been—are sitting in the audience now, and have been there. And I just say to them, point blank, we know you have answers. And we expect you to provide them and the Lao. And I hope that that will happen.

I do not really have any particular questions of any of you gentlemen, but if you have any further comments that you would like to make—I do want to respond very quickly, Senator Kerry, to what Mr. Burch has said.

As I indicated to you, Mr. Burch, we will follow-up on that evidence. And it is very difficult for Senator Kerry and I to say in an absolute that we can protect all leaks—we are going to—we are certainly going to do our best to do that. We understand that there are other human beings who are involved in staff, and so forth. And sometimes these things happen.

But I will tell you, if it does, whoever leaks it—if we find out who it is—will pay for it dearly. So we hope that we can deal with it. If you have that kind of information, and you say you have, we will pursue it to the full letter. Believe me, we will.

The CHAIRMAN. Thank you, Senator.

I just have one quick question—Mr. Andry, you raised the issue of normalization and the embargo, et cetera. I think there is unanimity here that we must move down the road to full cooperation before there is any kind of normalization. I have never heard a counter-argument, at least in this Committee. We all feel that very strongly, that that is an important lever.

But with respect to the question of the embargo, many have argued, and I must say I have been sort of subject to the belief that it would greatly enhance the resolution of the POW/MIA issue to get Americans into the country.

My attitude is, I have gone over there now several times. I have met with the foreign diplomats of other countries there, and they sit there and say to me, Senator, you know, as I recounted yesterday, they think we are a little crazy we do not have more people running around the country if we are really concerned about finding somebody.

And it just occurs to me, if you have a businessperson over there—I mean I can think of some Vietnam veteran business people who would like to go over there and do some business. But at the same time, as business people, if they are sitting down at dinner some night, and they are exchanging, breaking bread with people, we just have a different relationship. It seems to me that if somebody is alive over there, the chances of finding them are augmented ten-fold, 100-fold, by having more opportunities for flow of information about who may have been where, when. And if you are sitting down with somebody who was part of the war, who was sort of a contemporary in their forties or fifties, and you are doing business, and you talk about the war, and you say geez, you know, are there any Americans here? Now there is just a much greater chance that somebody is going to say hey, you know, 15 years ago I remember seeing this man—and you are going to have more eyes and ears.

So my notion has been that you do not give up everything because you still normalization. But you gain something in terms of the human exchange that could help resolve this issue. Do you react differently to that, Mr. Burch?

Mr. BURCH. Mr. Chairman, I appreciate having a chance to do that. We think one of the biggest reasons this issue is not resolved is the money issue. We feel the Vietnamese believe that they were promised war reparations they didn't receive. And our Government has a policy against money for hostages—a well-known policy. And POW's might be hostages.

We feel like the only lever that's left if that policy remains in place is the negotiations over lifting the trade embargo, and the credits that go with the World Bank and Export Bank and all with that.

The CHAIRMAN. Let me just say to you, you clearly do not have to give credits. And I would be against giving credits until you go further. But credits, IMF, World Bank do not necessarily go hand in hand with businesses getting in there and beginning to get your commerce personnel increased.

Mr. BURCH. Well, you may have a special situation like with AT&T. But Mobil Oil is trying to negotiate them out. They are under-cutting the efforts to get POW's out because that is a very large, economic issue. So there are certain degrees of that, Senator. But we believe that we want this Committee first to know if these men are alive, before our Government lifts the trade embargo so you have all the information—our Government has all this information. After all, if we found out they were holding 500 people, and have held them under torturous conditions, I don't think any

American in this country would be for doing anything with them. I think we ought to have the facts first, and then they can move in those directions, if appropriate.

But we are opposed to lifting the trade embargo until such time as we got this issue resolved. And we think by lifting it, that they will get what they want economically. And then, lastly what we have, and we are concerned about the fate of these men, we are afraid they might kill them if that happens.

The CHAIRMAN. What were you going to say, Mr. Andry?

Mr. ANDRY. Mr. Chairman, something similar to that—but, we look at the policies as far as our Government has. And it just seems that it is always taken and gotten in the way of, they will not have a policy if it doesn't interrupt the diplomatic relations.

And I think one other thing, it is a leverage that can be used as far as trying to get an accounting for our missing. Yes, it is true that there be other people over there and everything like that. But they could take them up to the hills, we don't know.

Mr. SOMMER. Mr. Chairman, speaking for the American Legion, we have changed our policy somewhat as a result of our recent, national convention. We have no opposition to a certain amount of humanitarian aid being provided, and we have no opposition—we see maybe a need for some flexibility in the establishment of more of an American presence in Vietnam—if these things will help solve and resolve the POW/MIA issue.

However, we are opposed to normalization of relations until that issue is totally resolved.

Mr. WALLACE. The Veterans of Foreign Wars, Mr. Chairman, is opposed to the normalization or lifting the embargo with Vietnam until we see concrete evidence that he Vietnamese are cooperating on this issue. And I listened this morning to Mr. Bell, who is on the ground. And Mr. Bell said he doesn't feel that they are giving all the information they possibly have. And other witnesses have said the same thing.

So until we see that, and we see concrete evidence, the Veterans of Foreign Wars is adamantly opposed to normalization, lifting the embargo.

The CHAIRMAN. Well, let me say to you that I think that Mr. Bell—and I think this morning—were very helpful in laying out some of the things that the Vietnamese need to do in order to meet a qualification of cooperation. And I would certainly agree that that has to be met. And they need to do that.

Again, I reiterate, my principal rationale here is one of enhancing the resolution of the POW/MIA issue. If they are cooperating, and you move in the next months down the road, and you say to yourselves, hey, we could resolve the POW/MIA issue in 3 months, rather than a year and a half, I am in favor of the 3 months. I am in favor of tomorrow. And I want to do whatever gets us that resolution as fast as possible.

So you sort of weigh, I think a little bit, those equities. And who knows where you come out? It is a judgment call.

Mr. WALLACE. I don't think there's any question. You've been to Vietnam a couple of times, and we went in July. And the economic situation over there, they are in dire need of help. So I can't understand why they wouldn't want to cooperate fully to get that normalization, to follow what the roadmap came out with and said, to do this, and do that, and let's go—let's start doing this.

The CHAIRMAN. I agree, and I suppose that's the test, and that's what's going to make the next month very interesting, because it is all on the line. The Select Committee is watching, you are watching, they have a need, we have a need, and hopefully that will help all of us to resolve this.

Mr. ANDRY. Mr. Chairman, on behalf of DAV I would also like to say we gave 58,000 lives over there, and some 2,200 to 2,400 POW's. And from our standpoint, we don't think we should give them anything else.

Senator SMITH. Let me respond to this point just briefly. I know we are ready to break for lunch here, and I will only take a minute.

It may have been during our hearing yesterday, and I am not certain whether it was during, or just after or just before—according to the AP wires this morning, Ambassador Trinh Xuau Lang, Ambassador to the U.N. from Vietnam was quoted, quote "meeting the press". And it is very interesting what he says, and I think I want to read this in the record.

Because of the fact that I believe there is just as much confusion as to just what the policy is by the Vietnamese, as there is on our side. And I am not sure we have a policy, whether it is to normalize or not to normalize. And I think—I am not sure what the policy is. And listen to this, if you can understand it and see what you think.

Question, from the reporter: "What are you saying"—to Ambassador Lang—"that it's the U.S. side that's stalling the conclusion of accounting for these discrepancy cases?" Ambassador: "As you know, the U.S. side put it in such a way that normalization of relations between the two countries depends on the pace and the scope of the resolution of the MIA issue. On our side, we understand. We can't understand that issue in a different way, that means the resolution of the MIA issues depends also on the pace and scope of the willingness of the American side to achieve normalization of relations." Question: "Does that mean that you have information you are withholding?" "I don't want to comment on that," the Ambassador says. Question: "Does your Government have it within its power to resolve this issue quickly?"—your government being the Vietnamese Government—"Yes, I can assure you." Question: "So once your Government makes a decision to resolve this issue, it will be resolved?" Ambassador: "Yes, but it depends on the American side, too." Question: "The point is, your government has the information and the material it needs?" Answer: "We are prepared to give full cooperation on the resolution of this issue—not conditional to the normalization of relations between the two countries. Whether you're prepared to normalize or not, it doesn't matter. Because that's a different issue." Question: "So what you're asking is, if the United States removed that prisoner issue as a condition to normalization?" Answer: "Yes, because they said that the pace and scope of normalization depends on the resolution of the MIA issue. So we understand that normalization of relations depends on the resolution of the MIA issue." Question: "In other words, you're saying that if this was removed as a condition, regardless of whether relations were normalized, your Government would cooperate?" "Yes, on our side."

It sounds to me like a hamster in a wheel.

The CHAIRMAN. It sounded like Pogo.

Senator SMITH. So I just am not sure that the Vietnamese understand. And this is a policy matter that we all may have some disagreements on, probably not the scope of this Committee. But to me, it ought to be made clear. I agree with Mr. Andry, that we gave 58,000 lives. You want business, and you want aid, and you want trade, and you want normalization, then cough up the information you have, and all of the information. When you get it here on the table—and I say it to the Vietnamese who are sitting here—when you give us that information, we'll talk.

The CHAIRMAN. We are going to break for lunch.

[Applause.]

The CHAIRMAN. We will be back at 2:15 p.m., and we stand in recess until then.

[Whereupon, at 1:25 p.m., the committee recessed until 2:15 p.m.]

AFTERNOON SESSION

The **Chairman**. The Select Committee on POW/MIA will come to order.

This afternoon we have several panels; a panel divided within a panel and two separate panels. The first panel will be the Families' Perspective. And we will have two different groupings in order to have testimony on the families perspectives.

I would like to thank all of the members of the families who have been here, as they have been through so many of these hearings for such a long period of time. And I appreciate enormously both their patience as well as their extraordinary understanding of the difficulties that we faced over the course of this time.

At the end of the morning session, Senator Smith read a comment that had been made yesterday by the Ambassador to the U.N. from Vietnam, Ambassador Trinh Lang. And it obviously created some concern with the Committee yesterday when we first heard it.

I said to the reporter yesterday, we were going to try to find out exactly what it meant. And the Ambassador has submitted a statement which I will just very quickly read. He said: "I wish to take this opportunity to reiterate that for Vietnam the MIA issue is a purely humanitarian one. We have never considered it a political issue. We have never considered the resolution of this issue conditional to the normalization of relations between Vietnam and the United States. Whether there is normalization of relations or not, we will continue to extend full cooperation to the United States in resolving this issue. We fully understand the sentiments of the American people about this matter. Vietnam has time and again stated, and I would like to solemnly state here today, that there are no living American prisoners of war in Vietnam. As we have stated before, we are ready and willing to extend to full cooperation and assistance to any MIA family wishing to come to Vietnam to discuss the case of their missing loved one with officials of our government and to conduct their own investigation. I wish to clarify my response to several questions put to me by a reporter yesterday. I was asked if I thought the U.S. side was stalling the conclusion of accounting for the discrepancy cases. In answering that question, I stated that for the U.S. side normalization of relations depends on the pace and scope of the resolution of the MIA issue. That is the U.S. position. But it is not the Vietnamese position. We do not link humanitarian issues with political issues. My government will continue to provide full cooperation on the matter of American MIA's without regard to normalization. As a practical matter, however, it is our view that normalization of relations would assist in the resolution of this matter. I was also asked if we had it within our power to resolve this issue quickly. My answer was in the affirmative; that is, we believe this issue can be resolved most quickly given continued full cooperation between the United States and Vietnam."

So that will be, or is now, a part of the record. And the Ambassador has asked me to say to any Members of the Committee that he is available here to meet with them if they have any further follow-up questions regarding this issue or would like to put to him any of the issues that were raised in the course of the morning session. And I would, obviously, submit that the Committee has really already laid out some of those concerns that came from the morning panel. And I think it would be well for the Ambassador to perhaps pass those on to his government and to express the concern of the Committee with those issues.

Ann Mills Griffiths, thank you very much for joining us this afternoon. We welcome your testimony. You, obviously, have had a long affiliation with this. And we appreciate your coming here to share your thoughts with us.

Ms. Griffiths. Thank you. Thank you.

STATEMENT OF ANN MILLS GRIFFITHS, EXECUTIVE DIRECTOR, NATIONAL LEAGUE OF FAMILIES

Ms. Griffiths. Mr. Chairman, Senator Smith, and Members of the Committee, I am pleased to be here today representing the 3,822 POW/MIA relatives currently who comprise the National League of Families of American Prisoners and Missing in Southeast Asia. Since inception in 1970, the League has focused solely on achieving our threefold objective.

The Chairman. Pull the mike down a tiny bit and a little closer. Thanks.

Ms. Griffiths. And that objective is the return of all prisoners, the fullest possible accounting for the missing and the repatriation of all recoverable remains of those who served our Nation in Southeast Asia.

In the interest of time, I would request that the full text of may statement and some other materials that I think the Committee would have interest in be included in the record. They are just factual.

The Chairman. Without objection, so ordered.

[The prepared statement of Ms. Griffiths follows:]

Prepared Statement of Ann Mills Griffiths

HISTORICAL PERSPECTIVE

Since founded in 1970, the National League of Families League has dealt with five successive administrations. During the earlier years, we witnessed official lies and deceit, as well as establishment of commissions or committees to get us off their backs or to "resolve this issue once and for all." We've dealt with declarations that our relatives were dead, based upon presumption rather than evidence, and cringed as the major media endorsed such findings while we demonstrated in front of the White House.

In 1981, after years of impatience and frustration, we began to see that President Reagan was going to keep his promise to try to rectify what was an outrage. The President, the Vice President, Secretaries of Defense and State, National Security Advisors and others in government began to make major addresses on the issue, most of which were not covered by the national media. A strategy was developed and approved, and policy level negotiations were initiated with Vietnam and Laos on POW/MIA. The administration raised the issue with the Soviet Union, PRC, the ASEAN countries and all western diplomatic missions in Hanoi.

The POW/MIA Interagency Group became truly functional as a policy-making body, rather than a token gesture to appease the families. Though scheduled for phase-out in the late 1970's, the Defense Intelligence Agency's special POW/MIA office was upgraded and manpower increased threefold, including a special team formed and permanently stationed in Southeast Asia to investigate reported first-hand sightings of Americans. The Joint Casualty Resolution Center and the Central Identification Laboratory were similarly upgraded.

Throughout this period, the families were encouraged, not because we believed government efforts were perfect, but because we could then channel at least most of our energy on one front, not two. We could support a real strategy and focus our sights and actions on those who still hold the answers, or the ability to obtain them, the Indochinese governments. We've come a long way since the end of the Vietnam War, overcoming obstacles which often seemed insurmountable.

The partnership and priorities that evolved were endorsed by President Bush who was directly involved and supportive during the Reagan/Bush years. President Bush reappointed General Vessey as POW/MIA emissary to Hanoi to continue the priority effort. Does this mean that the process always runs smoothly? Of course not, but the League helps correct the problems, and responsible over-sight by Congress has been and is our staunch ally.

The difference from the past is that the process has integrity and priority. Slow as it is for all of us, progress is being made. The U.S. POW/MIA Office in Hanoi offers great potential. We are again encouraged, not by false promises, speculation or wishful thinking, but by the knowledge that individuals of dedication, skill and professionalism are undertaking this mission on our behalf. If they receive serious cooperation, they will succeed. The expanded agreements with Laos, if fully implemented, also offer significant potential.

COUNTERING THE NEGATIVE

Greater challenges lie ahead, ranging from public education on the basic facts of the issue to current domestic and international factors which, if ignored, could lead us back to where we began. The priority in place since 1982 has subjected the issue, the families and the American people to unscrupulous activities. Self-appointed pied-pipers have led some into the caverns of endless exploitation. Our own office was forcibly taken over by a Vietnam veteran whom the Select Committee called to testify, and the League has been sued for allegedly interfering with his fundraising efforts by speaking the truth.

Eight congressional and executive branch investigations or inquiries have found no basis to support charges of conspiracy, cover-up, manipulation or malfeasance by those responsible for developing and implementing the U.S. Government's priority and policy. Each such requirement squandered valuable assets and resources, which should have been focused fully on resolving the issue, and brought domestic divisiveness rather than results.

New organizations, many professing to be acting for the families, claim that this issue can be resolved easily, but offer no viable alternative to current policy, nor has any family's uncertainty been ended as a result of their efforts. Self-described private experts and "investigators," who probably should themselves be investigated, mislead the public and subject POW/MIA families to emotional exploitation. Sensational books, Hollywood films and purportedly factual documentaries on national networks take the money and run. And, much of the media, touting banner headlines, neglect to seek the basic facts.

Some newly involved visitors to Hanoi become instant experts, advocate improved relations based on their perceptions of an allegedly reformist Vietnamese leadership, and imply that the issue is irrelevant, our own fault or trumped up vindictively as an obstacle to normalization of relations.

THE FACTS

The League strongly believes that the families, the American people and the Congress must have the courage to deal only in facts. The facts are . . . first, that discrepancies exist; Americans known to have been alive in captivity have not yet returned, alive or dead. Second, unfettered, immediate access is required to seriously investigate live-sighting reports which I am doubtful that the Vietnamese would ever provide and should be the subject of serious oversight. Third, several hundred Americans can be accounted for rapidly if the Vietnamese leadership decides on a path of full and open cooperation, to include repatriation of remains being held. (I should note that our forensics experts can distinguish between remains stored for a long period, those buried, buried and stored, etc.) Fourth, real access, rather than rhetorical claims of openness, is required to obtain answers from archival records research. Fifth, nearly 85 percent of the 528 Americans missing in Laos and almost 90 percent of the 83 unaccounted for in Cambodia were lost in areas controlled by Vietnamese forces during the war; Vietnam can and must provide historical data to assist in accounting for them. This credible information is available to the Committee in the Defense Intelligence Agency.

Building steadily since 1981, the U.S. Government has an impressive record of dedicated effort to resolve the issue. Does the process always function smoothly, or as rapidly as we all desire? No.! It is often slower than I believe necessary and nearly always more frustrating. Internal disagreements are most often based on divergent views concerning strategy or the relative knowledge base of newly involved officials. In that sense, the process is useful in that all serious proposals are considered and new officials become educated.

The real measure—results—depends on those who control the territory and the answers. Serious responses to U.S. initiatives by Hanoi, Vientiane and Phnom Penh could rapidly achieve the fullest possible accounting for missing Americans. The lack of greater results is simply not due to lack of priority, effort, resources or dedication by the U.S.

VIETNAM: THE CHALLENGES

Some in the U.S. business community and even in the Congress are lobbying hard for unilaterally lifting the U.S. economic embargo on Vietnam. What would this mean for leverage to achieve U.S. objectives? Now that international agreement has been reached on the Cambodia settlement, how will it impact on U.S. efforts to resolve the POW/MIA issue? Will Vietnam finally see it in their interest to come forward fully, or are they waiting for splits to develop and history to repeat itself?

Current U.S. policy, supported by the League, was conveyed to the Vietnamese on April 9th of this year. Within this "roadmap" to improved US/SRV relations are conditions related to implementing the Cambodia settlement agreement and reciprocal steps the U.S. is prepared to take in response to specific Vietnamese actions to resolve the POW/MIA issue as fully and rapidly as possible.

On October 23rd, Secretary of State Baker announced that the U.S. would immediately lift the 25-mile restriction on Vietnamese diplomats accredited to the United Nations in New York and take steps to change trade embargo rules to permit US-organized travel to Vietnam by individuals and groups. Most importantly, Secretary Baker proposed that talks begin in New York concerning the issues and modalities associated with normalization of diplomatic relations between the U.S. and Vietnam.

These reciprocal steps were to be taken at the time of the signing of the Cambodia settlement agreement and with concrete evidence that specific POW/MIA steps are being implemented. Reciprocity by the U.S. appears to have been geared primarily to Vietnamese cooperation on the Cambodia settlement; facts demonstrate that the POW/MIA criteria had not been met. Nevertheless, the League welcomes and strongly supports Secretary Baker's clarification that the pace and scope of discussions on normalization will "be governed by" Vietnam's cooperation on POW/MIA. This position must be held in subsequent phases of the roadmap or I believe any domestic consensus will be impossible.

In this context, it is important to understand that Vietnam has neither accepted nor rejected the roadmap. In view of the specific POW/MIA conditions in the roadmap, agreed to on an interagency basis, it is imperative that any further movement toward normalization of relations be closely monitored to ensure full compliance with stated criteria. Despite Hanoi's unwillingness to commit their government to implementing POW/MIA criteria in the roadmap, concrete Vietnamese actions are crucial to achieving U.S. objectives on the issue, and U.S. leverage has never been higher.

In our view, given Vietnam's negotiating history, reciprocity, rather than providing incentive in advance, is the key to obtaining Vietnam's cooperation on this issue. Promises have been made before, and broken. Early last month, General Vessey obtained agreements which simply reinforced earlier Vietnamese commitments. The primary difference was the political environment surrounding our visit. Hopefully, coming from premier Vo Van Kiet, Vietnam's promises this time will be implemented. If my comments appear skeptical, that is because history has taught the families that promises can be very hollow, and high level meetings are only that, unless there are measurable results. And, similarly, the U.S. cannot rely on Vietnamese assertions.

U.S. expectations on accountability are based on reliable DIA data and scientific evidence from the CILHI, reinforced by information obtained through the joint investigation process. Despite Vietnamese assertions to the contrary, there is simply no question that hundreds of Americans could rapidly be accounted for if Hanoi makes the decision to cooperate fully. Any softening of these basic facts could skew Hanoi's long-standing perceptions as to what the U.S. expects to achieve in terms of accountability.

Since the roadmap was provided to Vietnam in April of this year, not a single American has been accounted for as a result of US/SRV efforts. Thus, the importance of provisions in the roadmap which help ensure that there will be no further misunderstanding as to what is required to effect the pace and scope of improvements in our bilateral relations. The necessity now is to ensure that both governments implement the roadmap with integrity. A renewed opportunity exists with the recently established U.S. POW/MIA Office in Hanoi, particularly regarding access to important records and documents which can facilitate results. It is our sincere hope that Vietnam will make the decision to respond fully, and soon.

LAOS: WHERE WE STAND

The level of POW/MIA cooperation with Laos has continued to increase over the past several years; however, further expansion is required. This past year, joint activities have taken place more frequently than ever before, into several areas which were inaccessible during earlier years. Recognizing that nearly 85 percent of the 528 American losses occurred in areas of Laos controlled by Vietnamese forces during the war does not negate the need for greater effort to account for those missing in Laos, especially the discrepancy cases of Americans known at one time to be alive in Lao control.

Encouraging developments have included first-ever investigations, as yet inconclusive, into such last known alive cases. Despite limitations in terms of resources and personnel, the Lao Government reacted swiftly to unplanned requirements, such as investigating the photo incidents. Particularly helpful was their successful effort to locate and make available the individual depicted in the photo identified by the Borah family as their missing relative. Subsequent Lao agreement to a similar investigation on the photo identified by family members as Capt. Donald Carr, USA, is also a welcome development. In view of these unplanned interruptions to the agreed schedule, it is significant that two additional field operations are to be conducted before the end of this year.

Statistics regarding joint US/Lao POW/MIA bilateral efforts reveal that field operations are the primary means for obtaining results. There is no evidence that the Lao Government had a systematic program for collecting and storing information and remains. While there is no guarantee that further US/Lao activities will be successful, 43 of the 48 Americans previously missing in Laos were accounted for through cooperative field operations, while only five in Vietnam have been so resolved.

Accounting for most of the Americans missing in Laos will require Vietnam's cooperation to provide records and documents pertaining to incidents which occurred in areas their forces controlled during the war. Until such data is provided, field operations would be much more difficult and less successful; however, numerous crash sites are known to U.S. officials and can be pursued without awaiting Vietnam's provision of records.

While bilateral relations with Laos have been strengthened through a broad range of cooperation, efforts to resolve the POW/MIA issue remain an important element of the ever-improving relationship. Expanded cooperation, to include more frequent field activities, will undoubtedly require further U.S. assistance to augment Lao personnel and resources dedicated to the effort. If such is required, the U.S. should willingly provide appropriate assistance to facilitate the joint effort.

CAMBODIA: A BEGINNING

After years during which no positive reaction to the League's 1987 provision of narrative case files on all Americans missing in Cambodia was received, Phnom Penh authorities have recently begun cooperation. The steps thus far have been encouraging. Their prompt response and cooperation in investigating photographs identified by family members as their missing relatives was welcome and appreciated.

On a more comprehensive scale, it is our hope that a process similar to that underway with Laos can be undertaken. As with those missing in Laos, relevant records and documents will be required of the Vietnamese since nearly 90 percent of the 83 Americans unaccounted for in Cambodia were lost in areas under Vietnamese control during the war.

After waiting for any signal of willingness from Phnom Penh to pursue resolution of the American losses in Cambodia, it is reassuring to the POW/MIA families directly affected to witness these recent positive steps.

CONCLUSION

Confirming the fates of America's POW/MIA's is obviously the highest priority of all involved, especially the families. Nevertheless, we do not believe such confirmation should be pursued in isolation. While the League's position is that POW/MIA's are still alive, we recognize that unilateral Vietnamese repatriations of remains impact directly on the live POW issue. If remains returned are identified as those of an American last known alive in captivity, the number who may still be alive decreases accordingly. The League has long maintained that all avenues to account for our missing loved ones are complimentary, not mutually exclusive.

These are the important questions on which efforts should be focused. Historical perspectives can be written after the issue is resolved. The League advocates and deeply appreciates responsible Congressional oversight of efforts to resolve this issue. There should, however, be no further squandering of time and energies chasing privately generated illusions or investigating repeatedly disproven accusations of conspiracy and coverup.

The opportunity which now exists will not come again, nor will it continue indefinitely. We urge all who are striving to account for America's POW's and MIA's, our missing relatives, to understand this reality. The conspiracy and cover-up crowd must not be permitted to continue to erode the confidence of the American body politic, nor must naivete or unfounded assertions, public or private, be permitted to destroy the basic facts of the issue.

The vast majority of the POW/MIA families are realistic; we don't expect miracles. We expect seriousness by our own government, executive and legislative branches, rather than spontaneous reaction to the squeaky wheel or the latest editorial. We expect adherence to established policy and implementation with integrity, not comments from unnamed "senior officials" which dismiss facts and principle in the perceived interest of political or economic advantage.

The road to resolving this issue has been difficult and bumpy, but productive in many respects. Family members who have received answers which ended far too many years of uncertainty recognize the value of our collective efforts. While much remains to be done, there is reason for optimism that cooperation will increase and greater results will be achieved through the government-to-government process, as long as the U.S. Government proceeds with integrity. Vietnamese responsiveness is only predictable in that context. We ask the Congress to continue its important oversight, as will the League.

In conclusion, we would only hope that the Committee, through their efforts, will settle on the body of facts that we know to be true and ensure that Administration policy adheres to their public statements to follow the roadmap to achieve the answers. By doing so, I believe you can find the "one" within all of us who are seeking the end to uncertainty on this issue.

Thank you, Mr. Chairman. I look forward to your questions and those of the Committee Members.

CHRONOLOGICAL LISTING OF INVESTIGATIONS PERFORMED REGARDING ALLEGATIONS OF USG CONSPIRACY AND COVERUP ON THE POW/MIA ISSUE

1) 1982-83—Inspector General

2) 1984—House POW/MIA Task Force

3) 1984-85—Inspector General; ordered by General John Vessey, Jr., while serving as Chairman, Joint Chiefs of Staff.

4) 1985—House Permanent Select Committee on Intelligence

5) 1985—Internal DIA Review—Analytical review, i.e, analysts from other operations of the Defense Intelligence Agency reviewed the operations of the POW/MIA Division.

6) 1986—DIA Internal Review

7) 1987—Tighe Senior Review Group—LTG Eugene Tighe, USAF-Ret., former Director, DIA, with selected ranking, respected individuals as members of the group.

8) 1991—DOD Inquiry; ordered by Secretary of Defense Cheney.

All of the above investigations concluded that there was no basis to the allegations of a government conspiracy or coverup on the POW/MIA issue. It should be noted that in addition to the above, the POW/MIA special office of the Defense Intelligence Agency is under constant supervision by the House and Senate Select Committee's on Intelligence as well as the House POW/MIA Task Force.

99TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT 99-260
Part I

RESOLUTION OF INQUIRY CONCERNING AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

SEPTEMBER 10, 1985.—Ordered to be printed

Mr. HAMILTON, from the Permanent Select Committee on Intelligence, submitted the following

ADVERSE REPORT

[To accompany H. Res. 226 which on July 17, 1985 was referred jointly to the Committees on Armed Services and Intelligence]

The Permanent Select Committee on Intelligence, to whom was referred the resolution (H. Res. 226) directing the Secretary of Defense to furnish certain information to the House of Representatives relating to American prisoners of war in Southeast Asia, having considered the same, report unfavorably thereon and recommend that the resolution do not pass.

COMMITTEE ACTION

On July 17, 1985, House Resolution 226 was introduced by the Honorable William M. Hendon and referred jointly to the Committee on Armed Services and the Permanent Select Committee on Intelligence. The resolution directs the Secretary of Defense to furnish to the House, not later than ten days following adoption of the resolution, full and complete information regarding all Defense Intelligence Agency case files and analyses concerning reports of live Americans in Southeast Asia from March 23, 1977 to the date of the adoption of the resolution.

Upon the introduction of the resolution, the Committee staff was directed to meet with appropriate officials of the Defense Intelligence Agency to assess the manning, funding, methodology, and operations of the DIA's POW/MIA Division. The Committee staff was also tasked to assess the professionalism and quality of the Division's finished analyses of POW/MIA-related intelligence. In particular, the staff examined a representative sampling of POW/MIA "live-sighting" files. Finally, the staff examined DIA security procedures and practices in responding to Congressional requests for information concerning POW/MIA matters.

At his request, the staff also met with the sponsor of the resolution, Mr. Hendon, to receive his evaluation of DIA's performance and capabilities with regard to live-sighting cases. Finally, the staff met with the Honorable Gerald B.H. Solomon, Chairman of the Task Force on American Prisoners and Missing in Southeast Asia.

On September 5, the Committee conducted a hearing in executive session to hear from officials of the Defense Intelligence Agency, from the Honorable Stephen J. Solarz, Chairman of the Foreign Affairs Subcommittee on Asian and Pacific Affairs, from the Honorable Gerald B.H. Solomon, a member of the Subcommittee and the Chairman of the Task Force, and from the Honorable Benjamin A. Gilman, Vice Chairman and formerly Chairman of the Task Force. After hearing the testimony of these witnesses and their responses to Members' questions, the Committee ordered the resolution reported adversely.

BACKGROUND

The Committee's understanding of the concern which underlies the introduction of House Resolution 226 is that free and convenient access by any Member of the House to the files of the DIA live sightings of POW's and MIA's in Southeast Asia convince Members of the House that there were Americans being held prisoner in Southeast Asia and persuade them there was an institutional bias at DIA against accepting this fact. The method for achieving these ends would be to require the transfer of DIA's live-sighting files to the House. In so long, the resolution would bypass the mechanism of the Task Force and its sponsor, the Subcommittee on Asian and Pacific Affairs, together with the security procedures and working relationship that those bodies had developed with the DIA for the oversight and review of DIA activities.

The Committee reviewed in detail the role of the Task Force on American Prisoners and Missing in Southeast Asia. The Task Force, as indicated above, operates under the aegis of the Subcommittee on Asian and Pacific Affairs of the Foreign Affairs Committee. The Task Force has the principle responsibility for overseeing the work of the intelligence community in handling POW/MIA cases—work for which the DIA is the lead agency. The Task Force is made up of interested members of the Foreign Affairs and of any other Members of the House interested in the POW/MIA issue.

The Task Force may review the file of any POW/MIA case and question DIA officials concerning it. Hearing and subpena power are held by the Subcommittee, which sponsors regular hearings on POW/MIA developments and frequent and thorough examination by the Task Force of DIA files. In addition, the Task Force promptly investigates all allegations and issues concerning POW/MIA matters as they arise. For instance, the Task Force in 1984 investigated the claim of the sponsor of the resolution, Mr. Hendon, that there had been a cover-up of information of live prisoners in Southeast Asia. That review covered some 80 case files cited by Mr. Hendon. The conclusion of the Task Force was that there had been no government coverup. The Task Force also said that it "generally satisfied that all options available to DIA were exercised" in the cases which it reviewed. The Task Force also made suggestions for improvements in DIA capabilities and practices. These recommendations were adopted.

DIA testimony and that of the Congressional witnesses established that the policy of the administration assumes at least some Americans are still held captive in Southeast Asia. Intelligence collection priorities and DIA resource allocations are the highest ever assigned to the POW/MIA topic. DIA efforts are directed at impartial assessments of live-sighting cases based on a full range of intelligence collection activities. DIA's POW/MIA Division personnel, most of whom are Vietnam veterans, thoroughly investigate and cross reference each report. No live-sighting case is closed, regardless of its classification as resolved or unresolved.

It is the policy of the DIA to respond to the request of any Member of the House for information on POW/MIA cases. DIA provides briefings and permits the review of materials under circumstances which protect the classified intelligence information from which they are derived. All the Congressional witnesses stated unequivocally that DIA had responded fully and without exception to all requests from the Task Force and Subcommittee for information on all POW/MIA matters. It was also the testimony of these witnesses that the Subcommittee and the Task Force believed strongly in the need to protect classified intelligence files and conducted their proceedings in a manner that ensured this end. At the same time, witnesses made clear that all cases where DIA believed there was unresolved live sightings were briefed not only to the Task Force and Subcommittee but also to the National League of Families of American Prisoners and Missing in Southeast Asia.

The Committee was greatly impressed by the amount of work done by the Task Force, particularly its operational philosophy of leaving no stone unturned in its review of POW/MIA matters and its unequivocal rejection of suggestions that there had been a cover-up within the Administration or DIA of credible information about Americans held prisoner in Southeast Asia. Either the Subcommittee or the Task Force have conducted a total of 41 hearings with 101 witnesses, producing 2,409 pages of testimony on POW/MIA matters, since the fall of Vietnam and Laos and Cambodia. The Committee believes that the work of the Task Force, which is largely unsung and often protracted, deserves the thanks of the House.

In addition to making a very positive assessment about the diligence and effectiveness of Task Force oversight of DIA and intelligence community performance on

POW/MIA matters, the Committee also examined the alternate framework which would be established by the resolution of inquiry for Congressional review of POW/MIA live-sighting cases. The Committee determined that the effect of the resolution would be to bypass the Task Force and the Subcommittee. The resolution provided no security framework for the appropriate handling and storage of DIA files. The Committee considers this deficiency to be a significant one. POW/MIA cases involves not only legitimately classified intelligence information but information affecting the privacy of the families of those who are unaccounted for in Southeast Asia. Such information requires rigorous systematic protection.

The Committee's review convinced Members that both the Task Force and the Subcommittee conduct careful and adequate oversight of POW/MIA matters. The Committee's examination, its regular review of DIA activities, and the Task Force's judgment on DIA performance on POW/MIA matters convinces the Committee that DIA performs unbiased, professional, and thorough analyses of POW/M1A live-sighting cases. Finally, the Committee concluded that the alternative offered by the resolution of inquiry posed important security problems and a lack of guidance for House review of POW/MIA live-sighting files. In view of these conclusions, the Committee voted to report H. Res. 226 adversely.

COMMITTEE POSITION

On September 5, 1985, the Permanent Select Committee on Intelligence, a quorum being present, ordered the resolution reported adversely by voice vote.

OVERSIGHT FINDINGS

With respect to clause 2(1)(3)(A) of rule XI of the House of Representatives, the Committee's findings and recommendations concerning House Resolution 226 are contained in the body of this report.

FISCAL YEAR COST PROJECTIONS

With respect to clause 2(1)(3)(A) of rule XI of the House of Representatives and section 308(a) of the Congressional Budget Act of 1874, this resolution does not provide new budget authority or tax expenditures.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

With respect to clause 2(1)(3)(A) of rule XI of the House of Representatives, the Committee has received no report from the Congressional Budget Office.

RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS

With respect to clause 2(1)(3)(A) of rule XI of the House of Representatives, the Committee has not received a report from the Committee on Government Operations pertaining to the subject of this resolution.

Defense Intelligence Agency,
Washington, DC, 20301,
March 24, 1980.

Ms. Ann Mills Griffiths,
Executive Director,
National League of Families of American Prisoners and Missing in Southeast Asia,
1608 K St., NW.,
Washington, DC 20006.

Dear Ms. Griffiths: This is in response to your letter of 19 February 1980 in which you expressed concern that Colonel Earl P. Hopper, Sr., AUS-Ret., was not provided certain refugee reports he had requested for use in his son's status review board hearing, and asked that the reports be declassified. Unfortunately, this cannot be done.

I believe it is very important to protect the intelligence contained in these reports because of potential impact on the development of U.S. national policy toward the Socialist Republic of Vietnam; but, more so because their release at this time would provide the Vietnamese with a gauge of the extent and success of our intelligence effort in this matter and would enable the SRV to counter any future *demarche* our government might make concerning our unaccounted-for-personnel. The Yen Bai sighting report falls under the same heading. I'm sure the League is probably equally concerned that the disclosure of refugee reports on live sightings might have a disastrous effect on our mutual goal.

In closing, Ann, please know the Defense Intelligence Agency will continue its efforts to resolve every possible facet of our investigation of U.S. personnel unaccounted for in Southeast Asia.

Sincerely,

EUGENE F. TIGHE, JR.,
LIEUTENANT GENERAL, USAF,
Director.

ACCOMPLISHMENTS OF THE NATIONAL LEAGUE OF POW/MIA FAMILIES 1982—PRESENT

Advocated the change of U.S. Government position on live prisoner issue from "no credible evidence" to "information available precludes ruling out the possibility," operating on the assumption that at least some Americans are still held. This led directly to increased intelligence assets, additional JCRC and CILHI personnel and resources, and upgraded priorities across the board on the issue.

Set up first high level POW/MIA meeting since 1970's between U.S. and Vietnamese officials, facilitated high level dialogue with Lao officials; participated in all policy level POW/MIA delegations to Vietnam and all such critical missions to Laos.

Provided Cambodian officials (for the first time) case file narratives of all Americans unaccounted for in Cambodia.

Through the POW/MIA Interagency Group, participated in the drafting and development of official policy documents to ensure the issue was integrated into national diplomatic, intelligence and economic policy.

Led effort to initiate a mass mailing to refugees in the U.S. who were not screened for POW/MIA information during the 1970's.

Provided knowledge and continuity to ever-changing U.S. Government officials responsible for POW/MIA policy and implementation, doing what was required to maintain factual and sustainable strategy.

Recommended, pushed and secured adoption of free military transportation (COIN ASSIST), discontinued in the 1970's, for families to attend each League annual meeting.

Consistently advocated primary next-of-kin (PNOK) rights to privacy and to decision-making on matters affecting their individual case.

Gained early Reagan Administration approval of full disclosure policy to primary next-of-kin (PNOK) on all information that pertains or may pertain to their missing relative; adopted into law, 1988.

Led effort with military services to update family contact information, permitted to become completely out of date in the 1970's, and obtain medical records and information for CILHI (Central Identification Laboratory) to be used for comparison with anticipated remains repatriations through government-to-government efforts.

Led effort to improve the review process for remains identification, including private (2nd opinion) consultant reviews, PNOK input and an Armed Forces Identification Review Board.

Built a strong bipartisan Congressional coalition on POW/MIA.

Recommended and gained acceptance for Defense Department publication of a POW/MIA FACT Book and a Next-of-Kin Newsletter to the families.

Reviewed scores of POW/MIA case files at PNOK request; recommended countless necessary follow-up actions on individual cases which were adopted for implementation, both internally and in negotiations with Laos and Vietnam.

Advocated and gained approval to delay entombment of the Vietnam Unknown until all relevant medical records for comparison were present and remains could not be individually identified.

Prepared and proposed public awareness program on POW/MIA, based upon facts of the issue; *subsequently adopted by the U.S. Government.*

Included ASEAN countries (Thailand, Malaysia, Indonesia, Singapore, Brunei and the Philippines) into relevant POW/MIA activities and elicited their support to intervene with Hanoi.

Conceived and participated in countless major public awareness events that influenced Hanoi's cooperation, from "Real People" in the early 1980's, through each Recognition Day, this year with proclamations from all 50 States and thousands of League POW/MIA flags flying across the Nation and on ships at sea.

Secured, with Senator Bob Dole, permanent display of the League's POW/MIA flag at the U.S. Capitol Rotunda until the fullest possible accounting is achieved; sought and obtained approval for flying the League's POW/MIA flag over the White

House, Departments of State, Defense and Veterans Affairs, the Selective Service Headquarters and the National Vietnam Veterans Memorial on Recognition Day.

Launched national campaign to counter misinformation which was discrediting the seriousness of the POW/MIA issue and serving as the basis for fraudulent fundraising.

HIGH LEVEL U.S. GOVERNMENT COMMITMENT TO THE POW/MIA ISSUE*

(CHRONOLOGICAL—COPIES AVAILABLE UPON REQUEST)

October, 1991

Secretary James Baker, Secretary of State, Signing of the Cambodian Settlement Agreement—Paris

September, 1991

Secretary Richard Cheney, Secretary of Defense, National POW/MIA Recognition Day

July, 1991

President Bush, Letter to the POW/MIA Families, 22nd Annual Meeting, National League of Families

Secretary Richard Cheney, Secretary of Defense, 22nd Annual Meeting, National League of Families

General John W. Vessey, Jr., Presidential Emissary to Hanoi for POW/MIA Affairs, 22nd Annual Meeting, National League of Families

Honorable Bob Kimmitt, Under Secretary of State, 22nd Annual Meeting, National League of Families

December, 1990

President Bush, Holiday letter to the POW/MIA Families

November, 1990

Secretary Richard Cheney, Secretary of Defense, Veterans Day Ceremony

August, 1990

President Bush, National Convention, Veterans of Foreign Wars

July, 1990

Secretary Paul Wolfowitz, Under Secretary of Defense, 21st Annual Meeting, National League of Families

General John W. Vessey, Jr., Presidential POW/MIA Emissary to Hanoi, 21st Annual Meeting, National League of Families

Secretary Robert Kimmitt, Under Secretary of State, 21st Annual Meeting, National League of Families

Vice President Quayle, 21st Annual Meeting, National League of Families

May, 1990

Vice President Quayle, Memorial Day Ceremony, Tomb of the Unknown Soldier, Arlington National Cemetery

December, 1989

President Bush, Holiday Letter to the POW/MIA Families

November, 1989

President Bush, Texas Vietnam Veterans Memorial, Veterans Day

BGEN Colin Powell, USA, Chairman, Joint Chiefs of Staff, Arlington Cemetery, Veterans Day

September, 1989

Secretary Richard Cheney, Secretary of Defense, National POW/MIA Recognition Day

General John W. Vessey, Jr., Presidential POW/MIA Emissary, West Point Academy, National POW/MIA Recognition Day

July, 1989

Secretary Richard Cheney, Secretary of Defense, 20th Annual Meeting of the National League of Families

Secretary Manuel Lujan, Secretary of the Interior, National Vietnam Veterans Memorial/20th Annual Meeting of the National League of Families

President Bush, 20th Annual Meeting of the National League of Families

General John W. Vessey, Jr., Presidential Emissary to Hanoi for POW/MIA Affairs, 20th Annual Meeting of the National League of Families

Secretary Edward Derwinski, Secretary for Veterans Affairs, 20th Annual Meeting of the National League of Families

March, 1989

President Bush, Dedication of the League POW/MIA flag in the Capitol Rotunda, (letter)

January, 1989

President Bush, Inaugural Address

December, 1988

President Reagan, Holiday letter to the POW/MIA Families

November, 1988

President Reagan, Veterans Day Ceremony, Vietnam Veterans Memorial

September, 1988

Vice President Bush, National POW/MIA Recognition Day

Secretary Frank Carlucci, Department of Defense, National POW/MIA Recognition Day

July, 1988

Vice President Bush, 19th Annual Meeting (letter), National League of Families

General John W. Vessey, Jr., Presidential POW/MIA Emissary to Hanoi, 19th Annual Meeting of the National League of Families

President Reagan, 19th Annual Meeting, National League of Families

December, 1987

President Reagan, Holiday letter to the POW/MIA Families

September, 1987

Secretary Casper Weinberger, Department of Defense, National POW/MIA Recognition Day

July, 1987

President Reagan, 18th Annual Meeting of the National League of Families (letter)

Secretary George Schultz, Department of State, 18th Annual Meeting of the National League of Families

LTG Colin Power, USA, National Security Council, 18th Annual Meeting of the National League of Families

Secretary Casper Weinberger, National League of Families (letter)

December, 1986

President Reagan, Holiday letter to the POW/MIA Families

July, 1986

President Reagan, 17th Annual Meeting of the National League of Families (radio broadcast)

Admiral William J. Crowe, Jr., Joint Chiefs of Staff, 17th Annual Meeting of the National League of Families

December, 1985

President Reagan, Holiday letter to the POW/MIA Families

July, 1985

Robert C. McFarlane, National Security Council, 16th Annual Meeting of the National League of Families

Vice President Bush, 16th Annual Meeting of the National League of Families

December, 1984

President Reagan, Holiday letter to the families

July, 1984

President Reagan, National POW/MIA Recognition Day, The White House

May, 1984

President Reagan, Memorial Day honoring the Tomb of the Unknown Soldier, Vietnam

December, 1983

President Reagan, Holiday letter to the POW/MIA families

July, 1983

President Reagan, 14th Annual Meeting of the National League of Families (letter)

Secretary George Schultz, 14th Annual Meeting of the National League of Families

General John W. Vessey, Jr., Joint Chiefs of Staff, 14th Annual Meeting of the National League of Families

January, 1983

President Reagan, 13th Annual Meeting of the National League of Families

Judge William P. Clark, National Security Council, 13th Annual Meeting of the National League of Families

June, 1982

Judge William P. Clark, National Security Council, Radio interview with WGN Chicago (Rick Rosenthal)

*All of the above were conveyed publicly, in remarks, except as stipulated.

ANN MILLS GRIFFITHS

Mrs. Ann Mills Griffiths serves as Executive Director of the National League of POW/MIA Families, a position held since 1978. The League, a charitable organization comprised of over 3,800 family members of missing American servicemen and civilians, is dedicated to securing the return of all prisoners, the fullest possible accounting for the missing and the return of remains of those who died in Southeast Asia.

Prior to taking the reins of the League's leadership, Mrs. Griffiths was a member of the League's board of directors for 4 years, serving as legislative chairman. Since formed in 1980, she has played an active role in the U.S. Government's POW/MIA Interagency Group, established to formulate policy to resolve this humanitarian issue.

Her countless contacts with high level U.S. officials include meetings with Presidents Reagan and Bush, the Vice President, Secretaries of State and Defense and successive National Security Advisors. Mrs. Griffiths has had numerous meetings with senior officials of Vietnam, Laos, Cambodia and the countries of ASEAN. She was instrumental in facilitating high level negotiations between Vietnam and the United States in 1983 and has participated in U.S. Government policy-level POW/MIA delegations to Hanoi since 1982.

Acknowledged as expert on the POW/MIA issue, Mrs. Griffiths frequently meets with Members of Congress, appears before Congressional committees, addresses national and international audiences, participates in appropriate policy seminars, publishes articles and newsletters and is a frequent spokesman on network and cable television news programs.

Mrs. Griffiths has been instrumental in building the League from a small POW/MIA family group into a nationally prominent, non-profit organization which influences U.S. Government policy to resolve the humanitarian POW/MIA issue. In managing the League's affairs, Mrs. Griffiths, assisted by her staff, supervises League operations, a successful direct-mail program, and plans and implements the League's yearly convention which includes the highest levels of the U.S. Government. With the assistance of her staff and over 40 volunteer League officials, Mrs. Griffiths also coordinates a nation-wide public awareness program on the issue.

Mrs. Griffiths' brother, Lt. Commander James B. Mills, USNR, has been missing since September 21, 1966, when his Navy F4 was lost on a night mission over North Vietnam. Born in Oklahoma, raised and educated in California, Mrs. Griffiths resides in the metropolitan Washington, DC area.

JAMES B. MILLS

MISSING IN ACTION, SEPTEMBER 21, 1966, NORTH VIETNAM

Lt. Commander James B. Mills, USNR, was born August 31, 1940. He moved to California in 1946, finally settling in Bakersfield in 1954.

Lt. Commander Mills graduated from Bakersfield High School where he compiled an excellent academic record. He participated in numerous extra-curricular activities, served in successive student government positions and earned letters for 4 years each in football, basketball and track, awarded as one of 20 outstanding seniors in a graduating class of over 800. Lt. Commander Mills attended Bakersfield College for 1 year before transferring to the University of California at Berkeley, where he majored in Business Administration, receiving his BA in 1963.

After graduation, Lt. Commander Mills attended Naval Officers Candidate School at Newport, Rhode Island, pre-flight training at Pensacola, Florida, additional flight training at Glenco Naval Air Station in Georgia, Survival School in Florida, and completed training at Miramar Naval Air Station in San Diego, California.

His first tour of duty was aboard the USS Midway as a Radar Intercept Officer on a Phantom F-4B, completing 148 missions over North Vietnam. Lt. Commander Mills was just beginning his second tour of duty aboard the USS Coral Sea when his plane disappeared about 20 miles north of the Demilitarized Zone between Thanh Hoa and Vinh, North Vietnam, on September 21, 1966.

Lt. Commander Mills is the son of the late E.C. "Bus" Mills and Lois P. Mills of Brea, California. His brother Bill, and family, reside in Texas. His sister Ann Mills Griffiths is serving her thirteenth year as Executive Director of the National League of Families of American Prisoners and Missing in Southeast Asia, a position held by her father in 1974–75. His other sister, Judie Mills Taber, and family live in La Habra, California; she serves as Regional Coordinator for the National League of Families.

NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

BACKGROUND INFORMATION

The National League of Families of American Prisoners and Missing in Southeast Asia was incorporated in the District of Columbia on May 28, 1970. Membership is comprised of the wives, children, parents and other close relatives of Americans who were or are listed as prisoners of war, missing in action, killed in action/body not recovered in Southeast Asia, and returned Vietnam POW's. The League is a non-profit, non-partisan organization financed through contributions from the families, concerned citizens and organizations. The League's sole purpose is to obtain the release of all prisoners, the fullest possible accounting for the missing and the repatriation of all recoverable remains of those who died serving our Nation in Southeast Asia.

The League originated on the west coast in the late 1960s. The wife of a ranking POW, believing that the U.S. Government's policy of keeping a low profile on the POW/MIA issue and encouraging the families to refrain from publicly discussing the problem was unjustified, initiated a loosely organized movement which eventually developed into the National League of Families.

In October 1968, the first POW/MIA story was published. As a result of that publicity, the families began communicating with each other. The group grew in strength from 50 to 100, to 300, and kept growing. Small POW/MIA family groups flooded the North Vietnamese delegation in Paris with telegraphic inquiries regarding the prisoners and missing, the first major activity in which hundreds of families participated.

Eventually, the necessity for formal incorporation was recognized. In May 1970, a special ADHOC meeting of families met in Washington DC, at which time the League's charter and by-laws were drafted.

A nine-member board of directors meets regularly to determine League policy and direction and is elected yearly by the membership which now stands at over 3,800. In addition, ten regional coordinators are responsible for activities in multi-state areas and state coordinators are in most of the fifty states.

The League's national office is staffed by three full-time employees. The executive director, an MIA sister who is the organization's chief executive officer, is responsible for management of the League and implementation of policies established by the membership and board of directors.

ARTICLES OF INCORPORATION OF NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

We, the undersigned natural persons of full age, do hereby associate ourselves as a non-profit corporation pursuant to the provisions of the District Columbia Nonprofit Corporation Act and adopt the following articles of incorporation:

ARTICLE I

The corporation shall exist for so long as its purposes remain unfulfilled and its name is National League of Families of American Prisoners and Missing in Southeast Asia (hereinafter referred to as "the League").

ARTICLE II

The purposes of the League are to assist all Americans who are missing or captured in Southeast Asia and their families (1) by securing humane treatment in accordance with the requirements of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War and as recognized by general humanitarian standards for those Americans captured in Southeast Asia; (2) by obtaining identification of all those who are being held captive by the North Vietnamese, the Viet Cong, the Pathet Lao and any other hostile forces; (3) by obtaining proper medical care for all; (4) by making the American people and the people of the world aware of the unconscionable plight of those Americans who are missing or captured in Southeast Asia and their families; (5) by facilitating and promoting communication of information of mutual interest among all families of missing and captured Americans; (6) by facilitating and developing activities with other private or public groups or organizations and governmental agencies which are working to achieve the same humanitarian objectives; (7) by maintaining and supporting the morale of all captured and missing Americans and their families; and above all (8) obtaining at the earliest possible time the release of and a complete accounting for all captured or missing Americans in Southeast Asia.

ARTICLE III

The League shall have such powers as are provided by bylaws and these articles of incorporation, including the power to acquire, own and dispose of property and the power to do any lawful acts necessary or desirable for carrying out the League's purposes. Notwithstanding any other provisions hereof the League shall not engage in any activities that are inconsistent with the qualification of the League as a charitable, humanitarian, non-profit, non-partisan corporation exempt from federal income taxation in accordance with the provisions of Internal Revenue Code of 1954 or any successor thereto, and no part of the net earnings of the League shall inure to the benefit of any private person.

ARTICLE IV

The League shall have such classes of members, with such voting rights, as may be provided in the bylaws, shall set forth the manner of election and the qualifications, rights and duties of members, including the manner in which operating funds shall be obtained, and shall provide for an annual meeting of the members.

ARTICLE V

The affairs of the League shall be managed by a board of directors. The number of directors and the manner of their appointment shall be set forth in the bylaws, except that the initial board of directors is named herein.

ARTICLE VI

The initial board of directors, who shall hold office until their successors are duly elected and qualified in accordance with the bylaws, are as follows:

Mrs. Donald C. Rander
126 Honeysuckle Court #22
Baltimore, Maryland 21222

Mrs. James Powers
1121 Eastin Avenue #5
Orlando, Florida 32804

Mrs. Stephen Hanson
24112 Birdrock Drive
El Toro, California 92630

Mrs. Robert C. Davis
23 East Broad Street
Box 365
Burlington, New Jersey

Mrs. Bruce Johnson
138 Denver Street
Salina, Kansas

Mrs. Kenneth North
Box 136
Wellfleet, Massachusetts 02667

Mrs. Arthur S. Mearns
2376 Lyric Avenue
Los Angeles, California 90027

Mrs. Jeremiah Denton
3125 Watergate Lane
Virginia Beach, Virginia 23452

Mrs. James B. Stockdale
547 "A" Avenue
Coronado, California 92118

Mrs. Bobby G. Vinson
2607 Childs Lane
Alexandria, Virginia 22308

Mrs. Gordon M. Perisho
Old Orchard Road
Quincy, Illinois 62301

Mrs. Arthur Cormier
12 Sunset Road
Bay Shore, Long Island
New York

Colonel Edwin L. Brinkmann
90 Country Club Drive
Shalimar, Florida 32579

Mrs. Samuel Johnson
3204 Greenbriar Lane
Plano, Texas 75074

Mrs. James F. Egan
Farview Drive
Mountainside, New Jersey 07092

ARTICLE VII

The initial bylaws shall be adopted by the initial board of directors.

ARTICLE VIII

The address of the initial registered office of the League is suite 512, 1025 Connecticut Avenue, NW., Washington, DC, 20036, and the initial registered agent at such office is Charles W. Havens III.

ARTICLE IX

The names and address of the incorporators are as follows:

Ronald A. Jacks—1025 Connecticut Avenue, NW., Washington, DC 20036
Charles W. Havens III—4316 Windom Place, NW., Washington, DC 20016
Maryanne K. Brockley—1100 22nd Street, NW., Washington, DC 20037

ARTICLE X

The members shall have the power to amend or repeal any provision of these articles of incorporation or the bylaws, in the manner set forth in the bylaws and consistent with all applicable laws and regulations.

ARTICLE XI

First: No substantial part of the activities of the corporation shall be carrying on of propaganda, or otherwise attempting, to influence legislation, and the corporation shall not participate in, or intervene in any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954, or (b) by a corporation contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1954.

Second: Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all the assets of the corporation exclusively for the purposes of the corporation in such manner, or, to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 as the Board Directors shall determine. Any of such assets not so disposed of shall be disposed of by the U.S. District Court of said District, in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

Third: The corporation is not organized nor will be operated as a private foundation as defined in Section 509 of the Tax Reform Act of 1969. In addition and even though the corporation is not a private foundation within the meaning of Section 509 of the Tax Reform Act of 1969 the corporation will (a) distribute all of its income in accordance with paragraph second, above, in such manner as not to subject the corporation to any tax under Section 4942(a) of the Tax Reform Act of 1969; (b) will not engage in any act of self dealing as defined in Section 4941(d) of the Tax Reform Act of 1969; (c) will not retain any excess business holdings as defined in Section 4943(c) of the Tax Reform act of 1969; (d) will not make any investments in such manner as to subject it to tax under Section 4944 of the Tax Reform Act of 1969; (e) will not make any taxable expenditures as defined in Section 4945(d) of the Tax Reform Act of 1969.

IN WITNESS WHEREOF, we the undersigned incorporators have hereunto set hands and seal this 28th day of May, 1970.

s/ Maryanne K. Brockley (Seal)
s/ Ronald A. Jacks (Seal)
s/ Charles W. Havens III (Seal)

City of Washington
ss:
District of Columbia

I, Elizabeth M. Quinten, a Notary Public, hereby certify that on the 28th day of May 1970, personally appeared before me Maryanne X. Brockley, Ronald A. Jacks, and Charles W. Havens III, who being by me first duly sworn, declared that they signed the foregoing Articles of Incorporation of the National League of Families of American Prisoners and Missing in Southeast Asia as incorporators, and that the statements herein contained are true.

s/ ELIZABETH M. QUINTEN,
Notary Public, DC.

NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

LEAGUE POSITIONS

On Live Prisoners

The League's position is that Americans are still held based on the history of the issue, known discrepancy cases and the weight of intelligence information which supports our view. The League's position places the burden on Hanoi to provide answers and is not in conflict with the U.S. Government position.

On the Fullest Possible Accounting

As stated in the League's charter and bylaws, the fullest possible accounting is critical to achieving answers for the families and directly impacts on the live prisoner question. The two tracks must be pursued simultaneously, as a matter of highest national priority, using largely separate but complimentary assets.

On Current Priority and Policy

The League strongly supports current priority and policy, recognizing that the U.S. Government has adopted all initiatives proposed by the League. The League urges the U.S. Government to continue to recognize the importance to the United States of honoring and implementing the President's commitments by devoting the resources necessary to resolve the fates of Americans unaccounted for as thoroughly and rapidly as possible.

On Cooperation with Laos

The League recognizes the significant increases in cooperation which have occurred during the past 2 years and commends recent US/LAO agreements to expand the joint POW/MIA program by investigating cases of Americans last known to be alive in Lao control and implement other concrete actions in areas of Laos where U.S. teams were previously not allowed. The League urges the U.S. and Lao governments to rapidly implement these important agreements, and urges the U.S. Government to expand the level of assistance to meet humanitarian concerns of the Lao people and to upgrade the bilateral relationship between the two countries in keeping with long-standing U.S. assurances that serious cooperation on the POW/MIA and narcotics issues would lead to that development.

On Cooperation with Vietnam

The League supports U.S. policy regarding normalization of US/SRV relations, publicly known as the "roadmap," which contains specific steps required of Vietnam on POW/MIA before U.S. reciprocity on Hanoi's agenda. It is crucial that this process be monitored to ensure that POW/MIA conditions are adhered to and implemented fully by both governments. To achieve more rapid results, Vietnam must seriously implement their commitments by increasing unilateral efforts to immediately provide all information and remains available and by expediting the joint accounting process. The U.S. Government should continue, within legal and policy constraints, to address humanitarian concerns of the Vietnamese people.

On Cooperation with Cambodia

Encouraged by the recent responsiveness of officials in Phnom Penh to U.S. requests for cooperation, the League calls upon Phnom Penh to expand unilateral and bilateral efforts to account for Americans missing in Cambodia, including repatriation of any and all American remains.

On Cooperation with China

Recognizing that six Americans are still unaccounted for in territorial waters of the People's Republic of China and despite numerous efforts by the U.S., answers on their fates have not been obtained, the League urges the U.S. to seek immediate cooperation of the PRC to provide any and all information available.

On Release of Classified Information

The League supports U.S. policy of "full disclosure" to ensure the provision of all relevant information to the primary next-of-kin. The League strongly opposes public release of classified reports pertaining to Americans still held captive in southeast Asia. Public release of sensitive data aids counter-intelligence and destroys any hope of effective U.S. Government action to obtain the release of those involved, as pledged by the President.

On Bipartisan Support

The League calls upon the Republican and Democratic leadership to continue current bipartisan policy and priority to resolve the POW/MIA issue, recognizing that resolution can only be achieved through serious U.S. Government efforts to increase the cooperation of the governments of Vietnam, Laos, Cambodia and China.

On Use of Misinformation/Allegations

The League condemns any exploitation of the POW/MIA issue. Misinformation, unfounded allegations or claims without proof, including fund-raising appeals using false or distorted information, undermine the seriousness of the issue and must be countered with facts. The League condemns exploitation of the POW/MIA issue taking place at the National Vietnam Veterans Memorial and calls upon the Department of the Interior and all veterans organizations to take appropriate action to eliminate this desecration.

In Irresponsible Private Efforts

The League is strongly opposed to offers of rewards which historically have been counterproductive to achieving our goals. Such offers have elicited strong Vietnamese and Lao government denials that Americans are still held captive, thus undermining serious U.S. attempts to generate responsiveness on the live POW question. In addition, the logical result of such offers is the tightening of security on any and all Americans held. The League opposes irresponsible private forays which interfere with legitimate efforts to confirm the existence of POW's as well as government-to-government negotiations to account for those still prisoner, missing or unaccounted for in Southeast Asia.

On Conspiracy and Coverup

The League rejects charges of conspiracy and cover-up by the U.S. Government on the POW/MIA issue. Current priority assets, particularly within the Defense Intelligence Agency, must not be further squandered on responding or reacting to such unfounded allegations.

RESPONSES BY ANN MILLS GRIFFITH TO QUESTIONS POSED BY THE SUBCOMMITTEE ON ASIAN & PACIFIC AFFAIRS FOR THE HEARING ON JULY 17, 1991

1) Could you tell us when you first met Col. Peck and if you had any dealings with him prior to his becoming head of the Special Office for POW/MIA's at the Defense Intelligence Agency?

I first met Col. Peck just prior to the July 1990 National League of Families' 21st Annual Meeting. I had no prior dealings with him, nor did I know him, prior to his selection as Chief of DIA's Special Office for POW/MIA Affairs. The first substantive discussions occurred after the annual meeting.

2) How many times in the course of a day, or a week, did you deal directly with Col. Peck?

I would estimate an average of 3–4 contacts per week with Col. Peck during his approximate 8 month tenure as chief of DIA's POW/MIA office. On occasion, depending on specific questions which rose within the IAG, the contact would be more or less frequent, on a case-by-case basis.

3) How would you characterize your overall working relationship with Col. Peck?

Largely educational, as is common with newly assigned USG officials. A great deal of effort was made to provide Col. Peck with historical background, the functional operations of the IAG in the policy context of DIA's critical support to the issue, plus referrals to other officials, both current and former, who could assist in providing such background.

4) Did Col. Peck ever convey to you his dissatisfaction with the functioning of the Special Office?

Yes, in the context of complaints that his office was handling matters not strictly intelligence-related, such as inquiries from the Congress, public, families or veterans, which, in his view, should have been handled by others. Based upon his misunderstanding of the IAG process, he complained that DIA should have a more direct role in establishing overall policy, rather than providing intelligence support to policy-development.

5) Did he ever convey to you his displeasure with your role as a member of the IAG? If he did, when, and what were the circumstances?

No. To the contrary, he often appealed for assistance in understanding the IAG process, taskings and other matters, and for intervention on DIA's behalf to promote their position on questions which came to the IAG. He also consistently sought to form a "partnership" between himself, me and Col. Cliff Stanley, USMC, then the special Advisor to the Secretary of Defense for POW/MIA Matters, noting that in his view some undefined "they" were after us and we had to stick together.

6) In his letter of resignation, Col. Peck asserted that you were "adamantly opposed to any initiative to get to the heart of the problem" and that you have "interfered in or actively sabotaged POW-MIA analyses and investigations." Would you respond to this allegation?

It is false and absurd. To the contrary, I assisted as appropriate in all instances. As an MIA sister, it is incredible that anyone would make such an allegation; anyone who knows me or my many years of involvement in this issue could never believe such an outrageous accusation.

7) Is it true that, as Col. Peck asserts, you rewrite or edit all significant documents produced by the Special Office for POW/MIA's at DIA and that you "insert (your) own twist or meaning to what was originally prepared?"

As part of the IAG, I provide input to whatever is circulated for coordination and approval. I have never altered or changed facts written by DIA or analytical judgments based upon such facts. What I have done is urge additional follow-up as I felt was needed and, with IAG members, integrate DIA objective data and assessments into policy documents.

8) Did you ever reprimand, openly criticize, or threaten Col. Peck in any way? When, and what were the circumstances?

No. I am not in a position to reprimand or threaten Col. Peck. After many attempts to help Col. Peck grasp his new responsibilities, I, along with all others in the IAG, became increasingly concerned with Col. Peck's inability to deal with the issue, his basic lack of understanding of the issue and DIA's critical role, meshed into the policy process of getting real answers. These criticisms were generally discussed among the senior IAG members and with Lt. General Harry E. Soyster, USA, Director of DIA, as well as Mr. Dennis Nagy, Executive Director of DIA. All shared these concerns.

9) Did you ever oppose any effort by the special Office to set up an operation for POW/MIA's from World War II and Korea?

No. In fact, the League began distributing information on the Korean situation in the early 1980's, and I have supported CIL operations in Asia concerning both WWII and Korea. I have expressed concerns, given recent calls for a new research effort on what could only be termed a massive undertaking of archival sources, that assets and resources recruited for resolving the Indochina POW/MIA issue could be deflected. I also noted that as a matter of principle, the Korea and World War II family members should have access to information on the same basis as Vietnam War POW/MIA families, but all should recognize the difficulties involved in locating and retrieving information which goes back so many years.

10) Have you, in the course of your work, ever called DIA analysts directly and given them direct taskings? How often did this occur and what were the circumstances? Under what authority did you do so?

I maintain contact with every department/agency involved with this issue from the desk officer level up. After IAG meetings or when I received critical information on the issue, I frequently attempted to alert those whom I knew would have responsibility for implementing policy decisions or to act upon new information. The intent of such calls was to accelerate response time. In such cases, which were frequent, I would call Col. Peck. If he was not available, which was frequent, I would alert the responsible analyst. On many occasions when Col. Peck was available, he would refer me directly to his analysts. In addition, Col. Peck would occasionally call for me to explain in greater detail what policy directives meant or what was expected from DIA. My attempting to do this is not a question—it is my responsibility to the issue.

11) At any point, did you tell DIA analysts to ignore Col. Peck, or did you try to go around him in any way? When did this occur and under what circumstances?

As noted above concerning the process, I have received calls from DIA analysts or others at DOD requesting clarification on what Col. Peck might mean by the taskings given to them. From time to time, given the complexities of the issue, serious analysts were confused about what was expected, and the complexities were exacerbated by Col. Peck's lack of understanding.

12) Did you at any time undertake to have any person fired from the Special Office for POW/MIA's? Did you ever threaten to have anyone fired from that office—or ISA? What were the circumstances?

No. I am in no position to fire anyone in DOD, including DIA.

13) Did you ever attempt to scuttle an investigation in Laos—or anywhere else in Southeast Asia—to resolve a POW/MIA case?

No. I believe, however, that you are referring to the case involving a former Lao General, Singkapo, who provided information which warranted follow-up. In fact, my sole objective was to ensure either a direct interview by a trained POW/MIA specialist or another means of receiving the relevant information which could help resolve the case in question. In view of the critical need to have access to the information and, at that time, reluctance by the Lao Government to arrange a direct interview, written questions were supplied with a request for response during the April 1991 trip to Laos by PDASD/ISA Carl Ford and me.

14) Did you ever tell Col. Peck that you would have General Vessey fired?

No. While General Vessey and I are not always in full agreement on the approach to be taken, it was I who proposed General Vessey for selection by President Reagan. General Vessey's integrity and dedication to his mission are unquestioned. The point of contention was General Vessey's concentration on selected "compelling discrepancy cases," to the virtual exclusion of others, and concern that the Vietnamese would perceive efforts to determine fate on these specific cases as having resolved the issue. The resumption of a geographic approach to field operations, rather than pursuing only the initial 119 "compelling discrepancy cases" offers greater potential for resolving the issue, rather than focusing all efforts on determining fate of the selected few.

In general terms, the IAG has discussed the tenure of the special emissary, recognizing that as cooperation moves forward, the process should become institutionalized and the need for a special emissary would decrease. When named, the rationale was to break an existing stalemate and seek renewed cooperation. If Hanoi decides to seriously cooperate and facilitate the efforts of the U.S. POW/MIA Office in Hanoi, the point may be reached where attention by a special emissary will no longer be required. General Vessey has repeatedly stated that he did not consider his role as special emissary an extended one and again told the families at the League's 22nd Annual Meeting that he would continue as long as his participation was useful to the process.

15) What has been the nature of the feedback you have received from family members regarding Col. Peck's allegations?

The families' reaction ranged from outrage and disbelief, to concern and suspicion; however, all questioned why Col. Peck would lash out in such a manner. As a result, it was especially helpful to receive clarification from Director of Defense Intelligence Agency Lt. General Harry E. Soyster, USA, during our 22nd Annual Meeting. He made clear that he had removed Col. Peck from his position as Chief of the POW/MIA Office and that Col. Peck knew of his removal prior to writing his letter of "resignation."

16) Are you presently satisfied with the way that the Bush Administration is handling the POW/MIA problem? Do you believe they are still treating it as an issue of the highest national priority?

The League will never be "satisfied" until the fates of our missing loved ones are resolved as fully as possible; however, we do hold the view that the U.S. Government is pursuing current policy in keeping with the President's pledge that resolution of the issue is a matter of highest national priority. Implementation of policy is an evolutionary matter, and tremendous improvements have been made over the years; however, there is always room for close scrutiny to ensure that all avenues are being exhausted.

17) Is there anything the Administration should be doing that it is not doing?

The League supports current, overall policy and implementation which, in our view, is pursued as a matter of highest national priority. Secretary of Defense Cheney and Under Secretary of State Kimmitt reaffirmed policy and priority during the League's 22nd Annual Meeting, July 12-14, 1991.

Some areas which, in our view, require additional attention include: 1) adopting a more aggressive public affairs approach, including additional manpower to handle functions external to policy and implementation; 2) more rapid responses to the Congress to convey Executive Branch positions on pending legislation; 3) improved Interagency Group coordination; 4) given potential adoption by the Congress of what is termed the "truth bill," additional manpower to handle Korea and World War II archival research for information releasable to the families; 5) insertion of a line item in the DOD budget to cover POW/MIA requirements, including field operations.

18) What is the present League position on normalization of relations with Laos and Vietnam?

The League strongly supports upgrading relations with Laos to the ambassador level, a step long overdue and in keeping with pledges made since 1983. POW/MIA and counter-narcotics criteria, established by the U.S. Government, were long ago met by Lao Government actions. In our view, the word of the United States has not been upheld, and opportunities for further expansion of bilateral cooperation to achieve U.S. objectives are being overlooked. Maintaining lower level diplomatic relations with Laos inaccurately depicts the status of the bilateral relationship which now includes greatly expanded cooperation across the board, including on the two primary U.S. objective—POW/MIA and narcotics issues. It is time for full normalization of relations.

The League takes no position on the political question concerning resumption of bilateral relations with Vietnam; however, the League supports provisions in the "roadmap" which protect the interest of the POW/MIA issue. In our view, reciprocity, rather than incentive, is the key to obtaining Vietnam's cooperation on this issue; promises have been made repeatedly, and broken. The "roadmap" ensures that there can be no misunderstanding as to steps required on POW/MIA which, if fulfilled, will impact positively on Vietnam's agenda—lifting elements of the U.S. economic embargo.

19) What is the current status of the joint Lao/U.S. investigations on discrepancy cases and grave site recoveries? Has there been an expansion of surveys and excavations of aircraft sites, as was promised by the Lao during your May visit there?

Expanded agreements between the U.S. and Laos, reached during the date April 1991 visit to Laos by PDASD/ISA Carl Ford and me, offer significant potential for increased results in accounting for Americans missing in Laos. Since the first of this year, joint field operations have been conducted in 3 provinces not previously accessible to American POW/MIA specialists, including the first ever joint investigation into incidents involving Americans known to have been captured by the Pathet Lao. More recently, joint operations were conducted in Khammouane and Xieng Khoang Provinces, both of which had not previously been accessible. While these are very encouraging developments, there is concern over deletion of portions of the planned schedule. For the most parts reasons given are plausible; however, additional effort should be made to explain the need for full implementation and regaining momentum to complete the scheduled activities, all of which were planned to maximize time and resources in the field to the best advantage.

20) Will the League have any representative in the POW/MIA office in Hanoi? Will it play any other role in the operation of the Hanoi office?

No. The families have full confidence in the professionalism and expertise of the skilled personnel assigned to the U.S. POW/MIA Office in Hanoi, as well as those augmenting that effort to ongoing field operations. The League has no plan to be involved in such efforts, nor do we believe other private individuals should insert themselves, despite what may be commendable intentions. The families are concerned that interference by untrained personnel into this difficult process will endanger the potential for success.

ASSISTANT SECRETARY OF DEFENSE,
WASHINGTON, DC 20301-3040,
September 26, 1991.

MS. SUE SCOTT,
Chairman, Board of Directors,
National League of Families of American Prisoners and Missing in Southeast Asia,
2401 Chelsea Court,
Troy, Michigan, 48084.

DEAR MS. SCOTT: Secretary Cheney asked me to provide a detailed response on his behalf to your letter of August 13, 1991, concerning the Department's review of allegations by Colonel Millard Peck. The results of the inquiry into Colonel Peck's allegations were presented to Secretary Cheney orally. I will summarize our inquiry process and its key findings for you to share with your members.

As soon as Secretary Cheney learned of Colonel Peck's allegations he asked me, as I am responsible for oversight of the Defense Intelligence Agency (DIA), to work with Mr. O'Donnell, the General Counsel of the Department of Defense, in looking into Colonel Peck's complaints. Mr. O'Donnell immediately met with Colonel Peck. Colonel Peck was unable to provide Mr. O'Donnell any specifics that would flesh out or support his sweeping charges. I then set up a 3-person team and charged them to conduct an in-depth management inquiry to determine the significant events that led to Colonel Peck's memorandum, the subsequent actions by DIA management, and the substance of the various allegations contained in Colonel Peck's memorandum. The members of this management inquiry team were senior personnel from my staff and from the staff of the Under Secretary of Defense for Policy. They have extensive managerial and intelligence experience and are independent from the POW/MIA oversight and management structure.

The inquiry team examined Colonel Peck's allegations and developed a plan and a list of questions designed to ascertain whether the allegations were supported by facts. They interviewed participants in the POW/MIA resolution process and examined work reports, internal memoranda, mission and duty functions, and case files. Much of the documentation reviewed during the inquiry reflected confidential communications between supervisors and subordinates or consisted of internal memoranda for the record that must be protected to ensure that agency personnel can continue to discuss sensitive issues without fear of disclosure and classified files. Several of the interviews conducted during the inquiry were conditioned with a promise of non-disclosure and non-attribution.

The management inquiry into Colonel Peck's allegations was thorough and found the following circumstances. Lieutenant General Soyster, the Director of DIA, selected Colonel Peck to head the Special Office for POW/MIA on the basis of his prior outstanding service record and his evident familiarity with the region, developed during three distinguished wartime tours of duty in Vietnam. Colonel Peck assumed his position as Chief, Special Office for POW/MIA in mid-July, 1990. By October 1990, the senior leadership of the DIA was aware that Colonel Peck was not effectively managing the POW/MIA Office or providing quality intelligence support to the POW/MIA Interagency Group. As Colonel Peck had been on the job only a short time and had an outstanding military and combat record, his supervisors attempted unsuccessfully to help him adjust to the job. The freeze on the movement of Army personnel during Operations Desert Shield and Desert Storm led General Soyster to keep Colonel Peck in place even though he was not satisfying his customers.

In early January 1991, General Soyster instructed his staff to find another suitable position for colonel Peck. General Soyster did not view this as a prejudicial move—just a case where a good officer had been put in the wrong job. On February 8, 1991, General Soyster told Colonel Peck that it was just not working out and that he had found him a good job more in line with his skills. He proposed, as Colonel Peck is a French speaker who had trained with the French Army, that he transfer him to a liaison position with the French Army in Germany. Colonel Peck said he did not want to move from the area. As General Soyster was fully involved with support to Operation Desert Storm he instructed his staff to continue to look for a job for Colonel Peck in the Washington DC area. On February 12, 1991, Colonel Peck handed his superiors a letter that contained broad and unsubstantiated allegations of impropriety in the conduct of POW/MIA activities. Subsequently, as Colonel Peck's effectiveness had not improved, General Soyster relieved him from his duties on March 27, 1991. On March 28, 1991, Colonel Peck attached a letter of farewell to his staff on the door of his office along with a copy of his earlier letter with some personal references blacked out.

The management inquiry team could not find any facts that support Colonel Peck's various allegations of impropriety in the POW/MIA resolution process. They did find that Colonel Peck disagreed with the policy of the U.S. Government on the POW/MIA resolution process. Both Colonel Peck and the inquiry team identified some shortcomings in the management of the Special Office for POW/MIA and the new chief of this office already has corrective management actions underway. Ironically, in November 1990, Colonel Peck was asked by his immediate supervisor to make some of these same management improvements and he did not do so.

Of particular interest, I am sure, to your Board of Directors are the conclusions reached by the management inquiry regarding Colonel Peck's allegations against the Executive Director of the National League of Families. These allegations were carefully examined and they were found to be without foundation. Colonel Peck was unable to produce any facts supporting his allegations against your Executive Director.

I hope the above has clarified the record of our inquiry for you and your members. I am hopeful that the rate of progress demonstrated in recent weeks in Vietnam, Cambodia and Laos will continue and lead soon to the fullest possible accounting of our missing servicemen and civilians.

Sincerely,

Duane P. Andrews.

Ms. Griffiths. I intend to focus here on the League's views regarding current U.S. government efforts, as I was requested to do.

Before beginning that assessment, I would like to comment on statements frequently heard that this issue has taken on a life of its own. What is often neglected here is the real reason, and that has been Vietnam's manipulation of information, withholding of remains and qualified denials regarding whether Americans are still held prisoner.

Since the end of the Vietnam War, Hanoi's denials have consistently been qualified, either because Americans are still held, or to promote that belief here in this country. And the statement that was just read, once again, I believe it said, no American prisoners of war in Vietnam. And it has been an evolutionary thing since my first visit in 1982, and certainly long before that.

Qualifications have often included statements to the effect that the central governments know of no Americans, leaving open the possibility, of course, that U.S. personnel could be held—could be held or living in remote areas unknown to the central governments.

What is important is to ensure that the Indochinese countries do not view the return of Americans who may be located as destructive to bilateral relations with the United States. Any perception that there would be retribution by the United States for locating and returning Americans would likely be a death knell to these individuals.

I have frequently been asked why Vietnam would withhold remains. While speculation on Hanoi's mentality has never been a very productive exercise for Americans, it is clear that no other issue would have brought senior U.S. government officials to Hanoi during earlier years. Had it not been for this issue, such contacts just would not have occurred.

Vietnam obviously perceived it in its own interest as best being served by qualifying denials of live prisoners and manipulating provision of information of remains to bring in those senior officials, such as Mr. Wolfowitz, Mr. Armitage, and subsequently the naming of a Presidential Emissary.

In addition, some have commented that the U.S. is now suddenly serious and moving forward with great intensity, as if there had been no earlier priority or commitment. That is not true. Recent increases in personnel and frequency of negotiations and field operations are not simply because of recently publicized photographs, compelling as they are. The expanded U.S. activity is due to a changed political environment related to the Cambodia settlement and increased willingness on the part of the Indochinese countries to permit in-country activities.

The League strongly believes that the families, the American people and the Congress must have the courage to deal only in facts. The facts are: First, that discrepancies exist; Americans known to have been alive in captivity have not yet returned, alive or dead.

Second, unfettered, immediate access is required to seriously investigate live-sighting reports. While I am doubtful that the Vietnamese will readily provide such access, this should be the subject of serious oversight by this Committee.

Third, several hundred Americans can be accounted for rapidly if the Vietnamese leadership decides on a path of full and open cooperation, to include repatriation of remains being held.

I should note that our forensics experts can distinguish between remains stored for a long period of time, those buried, those buried and stored, et cetera.

Fourth, real access, rather than rhetorical claims of openness, is required to obtain answers from archival records research.

Fifth, nearly 85 percent of the 528 Americans missing in Laos and almost 90 percent of those missing, the 83 unaccounted for in Cambodia, were lost in areas controlled by Vietnamese forces during the war. Vietnam can and must provide historical data to assist in accounting for them. As you know, that kind of credible information does exist in DIA and is available to the Committee.

Building steadily since 1981, the U.S. Government has an impressive record of dedicated effort to resolve the issue. Does the process also—always function smoothly or rapidly as we all desire? No. It is often slower than I believe necessary and nearly always more frustrating.

Internal disagreements are most often based on divergent views concerning strategy or the relative knowledge base of newly involved officials. In that sense, the process is useful in that all serious proposals are considered and new officials become educated.

The real measure, results, depends on those who control the territory and the answers. Serious responses to U.S. initiatives by Hanoi, Vientiane and Phnom Penh could rapidly achieve the fullest possible accounting for missing Americans. The lack of greater results is simply not due to lack of priority, effort, resources or dedication by the U.S.

Some in the U.S. business community, and even in Congress, are lobbying hard for unilaterally lifting the U.S. economic embargo on Vietnam. What would this mean for leverage to achieve U.S. objectives? Now that the international agreement has been reached on the Cambodia settlement, how will that impact on U.S. efforts to resolve the POW/MIA issue? Will Vietnam finally see it in their interest to come forward fully, or are they waiting for splits to develop and history to repeat itself?

Current U.S. policy, supported by the League, was conveyed to the Vietnamese on April 9th of this year. Within this roadmap to improved US/SRV relations are conditions related to implementing the Cambodia settlement agreement and reciprocal steps the U.S. is prepared to take in response to specific Vietnamese actions to resolve the issue as fully and rapidly as possible.

On October 23, as you heard from Deputy Assistant Secretary Quinn, Secretary Baker announced that the U.S. would immediately lift the 25-mile restriction on Vietnamese diplomats accredited to the United Nations and take steps to change the trade embargo rules to permit U.S.-organized travel to Vietnam by individuals and groups.

Most importantly, Secretary Baker proposed that talks begin in New York concerning the issues and modalities associated with normalization of relations between the United States and Vietnam. These reciprocal steps were to be taken at the time of the signing of the Cambodia agreement and with concrete evidence that specific POW/MIA steps were being implemented.

Reciprocity by the United States appears to be—have been geared primarily to Vietnamese cooperation on the Cambodia settlement. Facts demonstrate that the POW/MIA criteria had not yet been met. Nevertheless, the League welcomes and strongly supports Secretary Baker's clarification that the pace and scope of discussions on normalization will, quote, be governed by, quote, Vietnam's cooperation on POW/MIA. This principled position must be maintained. As Senator McCain noted in the article I just read, this position must be maintained in subsequent phases of the roadmap, or I believe any domestic consensus to move forward on normalized relations will be impossible.

In this context, it's important to understand that Vietnam has neither accepted nor rejected the roadmap. In view of the specific POW/MIA conditions, agreed to on an interagency basis, it is imperative that any further movement toward normalization be closely monitored by this Committee and others to ensure full compliance with the stated criteria.

Despite Hanoi's unwillingness to commit their government to implementing criteria in the roadmap, concrete Vietnamese actions are crucial to achieving U.S. objectives on the issue. And U.S. leverage has never been higher than it is right now.

In our view, given Vietnam's negotiating history, reciprocity, rather than providing incentives in advance, is the key to obtaining Vietnam's cooperation on this issue. Promises have been made before and broken.

Early last month, General Vessey obtained agreements which simply reinforced earlier Vietnamese commitments, with the exception of the possibility of joint venture helicopter support, which, in my view, is crucial.

The primary difference was that these agreements were reached in a different political environment that surrounded our visit at the time. Hopefully, coming from Premier Vo Van Kiet, Vietnam's promises this time will be implemented.

If my comments appear skeptical, that's because history has taught the families that promises can be very hollow, and high level meetings are only that, unless there are measurable results. And, similarly, the United States cannot simply rely on Vietnamese assertions.

U.S. expectations on accountability are based on reliable DIA data and scientific evidence from the Central Identification Laboratory, reinforced by information being obtained through the joint investigation process. Despite Vietnamese assertions to the contrary, there is simply no question that hundreds of Americans could rapidly be accounted for, as Secretary Cheney stated, if Hanoi makes the decision to cooperate fully. Relating to this is the unquestionable fact that Vietnam has easy access to remains of Americans in large quantities.

In 1982, they took me and three other League officials to 17 Le Nam De Street in an effort to convince me that the so-called warehouse was empty. Of course, it would be empty since they took me there. But subsequent repatriations also confirm their continued access to remains. Thus, I can only conclude that stored remains were moved to another location or perhaps to several.

I should also point out that U.S. intelligence judgments indicate that Hanoi has ready access to remains still interred in locations known to them. Any softening of these basic facts could skew Hanoi's longstanding perception as to what the United States expects to achieve in terms of accountability.

Since the roadmap was provided to Vietnam in April of this year, not a single American has been accounted for as a result of

US/SRV efforts. A requirement to resolve discrepancy cases of Americans known to have been alive is as yet unfulfilled.

The remains of only 5 Americans have been repatriated as a direct result of field investigations into the first priority discrepancy cases. A total of 22 Americans of this initial 119 have been accounted for, most through unilateral repatriations. This is logical considering the circumstances of these cases were mostly last known alive.

In another 35 cases out of that original 119, joint investigation as confirmed death, but also lead to the judgment in nearly one-half of those that remains not yet returned were recovered earlier by the Vietnamese.

As I noted, no remains of Americans have been returned since the roadmap was presented in April of this year. Thus, the importance of provisions in the roadmap which help ensure that there will be no further misunderstanding as to what is required to effect the pace and scope of improvements in bilateral relations. The necessity now is to ensure that both governments implement the roadmap with integrity.

A renewed opportunity exists with the recently established POW/MIA office in Hanoi, particularly regarding access to important records and documents which can facilitate results. Deputy Foreign Minister Le Mai's recently publicized commitment to give full access to classified records has not yet been fulfilled. However, recent developments indicate that procedures are being worked out to permit DIA's Hanoi-based research specialist to work with his Vietnamese counterparts to exploit this and other important historical records.

Again, actions to follow-up are required before a valid judgment can be made. Thus far, access has been insufficient. However, I am optimistic that it is beginning to improve.

A frequently asked question is what expect—what is expected by the United States as the far as the fullest possible accounting. The United States database on Vietnamese knowledgeability is the starting point. It indicates, as I said, that Vietnam could easily and rapidly account for hundreds. This would be supplemented by new data from the Vietnamese. And, if so, then hundreds more could be accounted for, perhaps without repatriations of identifiable remains, but with plausible explanations of what happened to these Americans.

Since gaping holes still exist, including incidents involving Americans last known in captivity and not yet returned, alive or dead, an numerical judgment now would be premature. Once more of these cases are resolved and confidence buildings in the joint process the U.S. would be likely in a much better position to make such a judgment.

Turning to Laos, the level of POW/MIA cooperation with Laos has continued to increase over the past several years. However, further expansion is required. This past year joint activities have taken place more frequently than ever before into several areas which were inaccessible during earlier years.

Recognizing that nearly 85 percent of the 528 American losses occurred in areas of Laos under Vietnamese control during the war does not negate the need for a greater effort to account for those missing in Laos, especially the discrepancy cases of Americans known at one time to be in Lao control.

Encouraging developments have included first-ever investigations, as yet inconclusive, into such last known alive cases, including at the former Pathet Lao headquarters in Xam Nua—Xiangkhoang—Xam Nua in the Khammouane Province area. Despite limitations in terms of resources and personnel, the Lao government reacted swiftly to unplanned requirements, such as investigating the photo incidents.

Particularly helpful was their successful effort to locate the individual depicted in the photograph identified by the Borah family. Subsequent Lao agreement to a similar investigation into the Carr photograph is also a welcome development. In view of these unplanned interruptions to the agreed work schedule, it is significant that two additional field operations are to be conducted before the end of this year.

Statistics regarding joint U.S./Lao POW/MIA bilateral efforts reveal that field operations are the primary means for obtaining results. There is no evidence that I am aware of that the Lao government had a systematic program for collecting and storing remains and information.

While there is no guarantee that further U.S./Lao activities will be successful, I believe I am correct in stating that all but 4 of the 44 Americans previously missing in Laos were accounted for through joint field operations, while only 5 of the 265 from Vietnam have been so resolved.

Accounting for most of the Americans missing in Laos will require Vietnam's cooperation to provide records and documents pertaining to the areas over which they maintained control. Until such data is provided, field operations would be much more difficult and less successful.

However, numerous crash sites are known to U.S. officials and can be pursued without awaiting Vietnam's provision of data. And it is encouraging that both governments have agreed to trilateral discussions at a technical level, hopefully soon to be arranged, to work out the modalities of that really bilateral, but in a way three-lateral frame work, trilateral frame work, for cooperation.

While bilateral relations with Laos have been strengthened through a broad range of cooperation, efforts to resolve the POW/MIA issue remain an important element of the ever-improving relationship. Expanded cooperation, to include more frequent field activities, will undoubtedly require further U.S. assistance to augment Lao personnel and resources dedicated to the effort.

I was interested to see Secretary Cheney mention that in his view that resources and personnel were more the reason for the minimal number, comparatively speaking, of joint activities with Laos, and it was not a lack of commitment, but in fact a lack of resources and personnel.

But if such assistance is required, the U.S. should willingly provide appropriate assistance to facilitate as much as needs to be facilitated for U.S./Lao efforts. And I have seen them do so consistently.

It is important to note that U.S./Lao cooperation to resolve this issue is a matter of continuous and effective interchange in Vientiane through the American Charge d'Affaires, Charles Salmon. Of course, Charge Salmon is extremely knowledgeable and involved in pursuing all bilateral issues. But he has taken a special interest and a very active and important role in generating expanded POW/MIA activities with Laos.

Regarding Cambodia, after years during which no positive reaction was received to the 1987 provision which the League facilitated of narrative case files, Phnom Penh authorities have recently begun cooperation. The steps thus far have been quite encouraging, particularly to the 83 families with loved ones missing in that country, because for so many years there was absolutely nothing.

The prompt response and cooperation in investigating photographs identified by family members as their missing relatives were also welcome and appreciated.

On a more comprehensive scale, it is our hope that a process similar to that underway with Laos can be undertaken. As with Laos, Vietnamese records will be required.

Confirming the fates of America's POW/MIA's is obviously the highest priority for all involved, especially the families. Nevertheless, we do not believe such confirmation into the live prisoner issue should be pursued in isolation. While the League's position is that POW/MIA's are still alive, we recognize that unilateral Vietnamese repatriations of remains impact directly on the live prisoner issue.

If remains returned are identified as an American who was last known alive, the number who may still be alive decreases accordingly. The League has long maintained that all avenues to account for our missing loved ones are complementary, not mutually exclusive, and should be pursued simultaneously, and all with priority.

These are the important questions on which efforts should be focused. Historical perspectives can be written after the issue is resolved. The League advocates and deeply appreciates responsible Congressional oversight of efforts to resolve this issue.

There should, however, in our view, be no further squandering of time and energy chasing privately generated illusions or investigations repeatedly disproven accusations of conspiracy and coverup.

The opportunity which now exists will not come again, nor will it continue indefinitely. We urge all who are striving to account for America's POW/MIA's to understand this reality. The conspiracy and cover-up theories must not be permitted to continue to erode the confidence of the American people, nor must naivete or unfounded assertions, public or private, be permitted to destroy the basic facts of the issue.

The vast majority of the POW/MIA families are realistic. We don't expect miracles. We expect seriousness by our own government, Executive and Legislative branches, rather than spontaneous reaction to the squeaky wheel or the latest editorial. We expect adherence to established policy and implementation with integrity, not comments from unnamed senior officials which dismiss facts and principle in the perceived interest of political or economic advantage.

The road to resolving this issue has been difficult and bumpy, but productive in many respects. Family members who have received answers which ended far too many years of uncertainty recognize the value of our collective efforts. While much remains to be done, there is reason for optimism that cooperation will increase and greater results will be achieved through the government-to-government process, as long as U.S. Government—as the U.S. Government proceeds with integrity in implementing the roadmap.

Vietnamese responsiveness is only predictable in that context. We ask the Congress to continue its important oversight, as will the League.

In conclusion, we hope that this Committee, through its efforts, will settle on the body of facts which constitutes that information which is just irrefutable and that we all really know to be valid. In doing so, I believe that you all will be able to find the one in all of us who are seeking the end to uncertainty on this issue, for the families and for our Nation.

Thank you, Mr. Chairman, and I look forward to your questions and those of the other members.

The CHAIRMAN. Thank you very much, Ms. Griffiths. I was struck listening to your testimony by the degree to which it really was sort of almost a technical recitation of where each of these countries stand and where the analysis stands, rather than really where the process is, if you will. I mean, you seem to be saying with respect to Vietnam, Laos, et cetera, these are the numbers, et cetera.

But I guess that prompts my first question to you, which is: Is the League happy with the process? Does the League believe that this is and has been treated as the highest national priority?

Ms. GRIFFITHS. Not as the highest national priority, but as a matter of the highest national priority. That is——

The CHAIRMAN. Has it always been treated as a matter of the highest national priority?

Ms. GRIFFITHS. It certainly has not. The League used to demonstrate in front of the White House and the State Department.

The CHAIRMAN. Do you believe, in that context, that it is important for the Committee in evaluating how much is being done to find somebody who might be alive today, that we understand the probabilities of the likelihood of somebody being alive today?

Ms. GRIFFITHS. Absolutely.

The CHAIRMAN. Do you agree that in order to understand the probability that somebody is alive today we have to have a baseline, we have to have a beginning point, which is——

Ms. GRIFFITHS. Absolutely.

The CHAIRMAN. —what is the probability that people were alive in 1973, 1974, or 1975.

Ms. GRIFFITHS. Right.

The CHAIRMAN. You accept that?

Ms. GRIFFITHS. Absolutely, yes.

The CHAIRMAN. The Department of Defense announced in 1973 that everybody was dead.

Ms. GRIFFITHS. That's right. We didn't accept that. We don't think you should.

The CHAIRMAN. And we shouldn't either?

Ms. GRIFFITHS. That's right.

The CHAIRMAN. OK. Now as a beginning point, then, did you ever or do you now have any way of trying to help us to understand how many might have been alive, what your sort of operative concept is as to what the possibilities were in 1973 and 1974?

Ms. GRIFFITHS. Well, our current policy and our position and my personal view is that Americans are alive. Quite obviously, if that our current view, we do believe that there were Americans who were alive at the conclusion of hostilities and when Senator McCain and the others came home in 1973.

The CHAIRMAN. But what I am asking you is, do you have any—Bill Bell this morning said that his best sense was there might have been 10 or 11 or so, and that's his current concept, and based on subsequent information that seems to confirm that. Did you or have you come across any confirmational numbers that suggest to you what the operative number might have been at the beginning?

Ms. GRIFFITHS. Unfortunately, I have not come across confirmational numbers. We have the body of evidence, which is people that were known to have been alive who have not been returned alive or dead. And that is largely the basis on which the League of Families throughout the years has maintained that Americans are still held.

The CHAIRMAN. And that would be the current discrepancy case docket, so to speak?

Ms. GRIFFITHS. The last known alive discrepancy cases, that's correct.

The CHAIRMAN. Right.

Ms. GRIFFITHS. And the additional—the—Also the unresolved first-hand sighting reports that are being pursued, which lend credence certainly to that body of evidence that existed at the end of the war.

The CHAIRMAN. And you are satisfied that that is the operative area of current concern, then? I mean, you wouldn't assert that there are cases that ought to be, at this point, put on that list or that there are some that never were included that should have been. You are satisfied with that grouping?

Ms. GRIFFITHS. Oh, absolutely.

Well, it depends on if you—if you consider the 119 the sum total. The 119 is not the sum total. I think it's—I don't know if I can remember the exact numbers. I am sure DOD was going to provide them to you. It is something close to 200, I believe, that were last known alive discrepancy cases, maybe not quite that many, but closer to 200 than 119.

The CHAIRMAN. But you are satisfied that that has been legitimately and properly worked down to the number that they are currently operating?

Ms. GRIFFITHS. I know a great deal of effort has been put into analyzing and scrubbing and scrubbing and scrubbing that list. Now, that does not, in my view, and I don't think I've—I have certainly never heard anybody in the government say that others could not still be alive. For instance, a lot of these cases are, quote, unknown cases. Unknown people came back in 1973. So there are many cases that are truly missing, like my own brother, that is a missing case. And he—you know, the chances are not as good. He was a 1966 shoot-down. They weren't doing many favors, as the Senator can attest to, in those days. And there was no evidence that he survived his incident. So his chances certainly are less likely than somebody who say in 1972, alive on the ground.

The CHAIRMAN. Now, what is your sense, Ann, if you can help us understand, what has happened that some families feel more adamantly than others or have been treated, perhaps, differently than others and have such significant questions today?

Ms. GRIFFITHS. Well, I think a lot of it is based on not only the skepticism, but the well-founded knowledge that we have that a lot of the families were lied to in the earlier years. And it wasn't until 1982 that there was even a policy of full disclosure to the primary next of kin.

And then that policy was made into law with Senator Smith's amendment or bill, I think it was originally a bill and became an amendment, in the House side and then subsequently what is taking place now on full disclosure. The—the League fought hard for full disclosure. We didn't have the information. We had to all file FOIA Acts in the late 1970's and——

The CHAIRMAN. Well, what was going on? If I can interrupt you, because my time is almost up. Excuse me for doing that. What was going on? What was happening that, as you say, people were declared dead, you didn't believe they were, you had to fight under the Freedom of Information Act——

Ms. GRIFFITHS. Right.

The CHAIRMAN. —to get information.

Ms. GRIFFITHS. Right.

The CHAIRMAN. And, as you say, people were lied to. What was happening? Was this an effort to shut this thing away?

Ms. GRIFFITHS. Yes. Well, it is a complex answer, actually, because, first of all, this war, the Vietnam War, was very divisive in this country. And, of course, part of it was a secret war. We weren't there. Part of the lying; concerned families who were told their relatives were missing in Vietnam, when in fact they were in Cambodia or Lao. There was a multitude of misrepresentations, distortions, and outright falsehoods. That is part of the past, but that is an inherited thing that all of us had to deal with.

So when you start getting information that is different from what you got earlier, even though you welcome the new information, you compare the two and they are not the same. I mean, the President of the United States admitted that this issue was not handled properly in the past. There is no question that it wasn't. There was no political will. This country didn't want to hear the words Vietnam and the Vietnam veterans can—you know, attest to that. They certainly didn't want to hear POW/MIA.

So that was a 7-year period in there where we had to focus almost all of our efforts on trying to get our own government's attention, to make our own government take the issue seriously. Now, we fought hard to do that. And, at that point, the League was smaller than it had ever been because it is very hard to get support. The media certainly wouldn't pay attention, because it just was not the popular thing to do.

Subsequent to that when people started to get a better realistic grasp on dealing with Vietnam and certainly after President Reagan came into office the priority was raised. We knew it would be. He had a commitment from the time they came back all of the way through before he was ever a candidate. So we knew he would bring in some seriousness and it was an evolutionary policy, an evolutionary process, that brought us up to where it is worthwhile to have 88 additional people and a Deputy Assistant Secretary of Defense. It wouldn't have done any good in the earlier years when they wouldn't even let us in.

The CHAIRMAN. Well, I appreciate that. My time is up. And I want to pass the baton, so to speak. But I do want to say that the Committee, and we have all talked about this privately, this is not going to be a quote, witch hunt. We are all determined about that. And I don't want this Committee turned into that.

And we are not trying to go back for the purpose of trying to do anything except understanding that if we can't lay it on the table, as I think you have now, and as we must continue to, we are not going to be able to establish baselines, we are not going to have an understanding of probabilities, and we are not going to be able to draw conclusions.

So we are determined to do that with that view in mind. And I think it is very important to be able to make that inquiry appropriately.

Ms. GRIFFITHS. I do, too. I think—What the Board of Directors is concerned about, and many of the families are, we lived through a Select Committee Investigation. We lived through a Presidential Commission. In both instances, it took us years to overcome the damage that was done to the credibility of this issue.

There is concern that the body of facts in the middle will get lost. And that is our concern. There are viable facts here. You have started this investigation. We encourage you to make it fully open to interview everybody in the world and get to the bottom of this. What concerns us is that the Committee, using only U.S. information because you can't get what we don't yet have from the Vietnamese, Lao, or Cambodians.

It will be impossible for this Committee to decide today if Americans are still held, because you don't have the information that we have been trying to obtain. Those prior Select Committee and Commission did exactly that. And they concluded that nobody was alive based on assertions of the Vietnamese and not a factual objective effort. So we have legitimate concerns.

The CHAIRMAN. Well, that is——

Ms. GRIFFITHS. We don't want the body of evidence to be lost.

The CHAIRMAN. That's why you are here today. That's why we are having these baseline hearings at the beginning. And we hope we will heed your warnings and frame this thing in a way that we don't lose the body of the evidence. And we look to you and others to help us do that.

Senator Smith.

Senator SMITH. Thank you. Mr. Chairman, at this time, I am going to pass and yield my time to Senator Grassley. I will leave it up to the Chairman, do you want to give it to him now or when his time comes.

The CHAIRMAN. I am comfortable doing whatever both of you gentleman want to do. Do you want to go now, Senator Grassley.

Senator GRASSLEY. I will take my turn after Senator Brown.

The CHAIRMAN. Fine. Senator Brown.

Senator BROWN. Thank you. Ann, you have talked with the leaders of a number——

The CHAIRMAN. I have just been reminded that I neglected to swear the witness, and I need to do that for all further testimony. I apologize for that. It is my fault. If you could just stand. Do you swear to tell the truth, the whole truth and nothing but the truth?

Ms. GRIFFITHS. I certainly do. It's a law, too.

The CHAIRMAN. Thank you very much.

Senator BROWN. Ann, I understand you have talked with the leaders of a number of the countries in Southeast Asia about this issue. Early in your testimony you mentioned what sounded like a loophole in the way they talk, my phraseology. Something to the point that the central governments know of no POW's being held.

Ms. GRIFFITHS. Yes.

Senator BROWN. The implication being that perhaps others may be aware, or maybe there are people outside of the control of the central government, who know where POW's are.

Ms. GRIFFITHS. Yes.

Senator BROWN. Have you ever had anyone suggest that alternative to you from those governments?

Ms. GRIFFITHS. Not as directly as what you are raising the question to me now, Senator, but what I am saying is that the official positions of the Vietnamese government have been evolutionary and have always been conditional or leaving some sort of, as you put it, loophole.

American prisoners of war to the knowledge of the government, or American prisoners of war in Vietnam. And they have done that with Congressional delegations as well. So is that to mislead us? Is that to continue a belief when they are not alive or is that because, in fact, they do.

I have a good example. Robert Schwab, for instance. And clear back to the Select Committee, the Montgomery Select Committee, when that Committee travelled to Vietnam, they were told that there were no Americans being held captive and Tucker Googleman died in prison after their visit. Now—according to the record.

With Robert Schwab, many people have said this was the American who sailed over to follow his heart and sailed into Vietnam to rescue his fiancee. Some of us never gave up the hope that he might be alive and we pursued that very hard. Others have said the Vietnamese denied that anyone was alive. They never denied that Robert Schwab was alive. I am just saying what they did say is, well, we are unaware that he is alive and being held here, but we will check with authorities in the South. I mean, there was always a caveat there. We have found caveats throughout. Now, is that intentional to mislead or is it because they are still holding?

Senator BROWN. Well, with Bobby Garwood——

Ms. GRIFFITHS. Right.

Senator BROWN. —clearly they had indicated they did not hold American POW's——

Ms. GRIFFITHS. Correct. That's another obvious.

Senator BROWN. —prior to his being released. Do you recall how they explained that when he was released?

Ms. GRIFFITHS. Yes.

Senator BROWN. Explained their previous denials.

Ms. GRIFFITHS. Basically, I think they said that we—something like, we considered him one of us, that—I mean, it was kind of like that. I don't know the exact phrase.

Senator BROWN. So, presumably, someone they considered one of them would no longer fall into the classification, in their mind, of a POW?

Ms. GRIFFITHS. Presumably not.

Senator BROWN. Well, the letter from the Ambassador says, quote, no living American prisoners of war in Vietnam. Potential loopholes there?

Ms. GRIFFITHS. Sure.

Senator BROWN. One, that they could be outside of the country?

Ms. GRIFFITHS. In another of the Indochina countries, possibly, not called a prisoner of war, may be living freely. Half of the DIA first-hand sighting reports that are under continuing investigation are, quote, living freely. And that isn't a judgment the U.S. government makes as to whether or not that person is living there of their own volition. That would be done according to policy after the individual returned.

But that is kind of the breakdown that DIA has, captivity cases, living freely cases, and the other, in Vietnam, prisoner of war. But I can assure you that the Vietnamese certainly have been asked for knowledge of any Americans under any circumstances who may have elected to remain there, who may have committed what they consider to be crimes according to Vietnamese law there for criminals. We have asked them for people in any category and even—I once used the example, even if my own brother had elected to stay in Vietnam, my family, my mother, would like to know that he made that decision of his own volition. But still no response.

Senator BROWN. Well, the bottom line is, your belief is they haven't issued a flat denial yet, a flat total denial.

Ms. GRIFFITHS. I haven't seen a categorical one, but I don't think it would be helpful if they did. That backs—I mean, it is sort of like the time that I remember Walter Cronkite was going into talk to Pham Van Dong and the one thing we asked him not to do was to put a microphone in front of him and say, are you holding prisoners. Quite obviously he would say no. And that makes it even more difficult then for prisoners to be removed.

I think it very important on the live prisoner issue that should they locate someone outside their control that there not be appropriate attitude of recrimination, that such individuals that the U.S. would work sensitively with them to effect immediate return.

Senator BROWN. Last question. I do not know if you have seen the May 23rd, 1991, Report on Examination of U.S. Policies toward POW's. It was issued by the U.S. Senate Committee on Foreign Relations.

Ms. GRIFFITHS. We have it.

Senator BROWN. You have not seen it?

Ms. GRIFFITHS. No, no, we have.

Senator BROWN. You have?

Ms. GRIFFITHS. Yes.

Senator BROWN. Simply, for the record, there were some grumpy comments about you.

Ms. GRIFFITHS. That's usual, Senator.

Senator Brown. Including the statement, "She apparently has access to top secret code worded message traffic for which she is supposedly not cleared and she receives it well ahead of DIA intelligence analysts."

Just to clear up the record, do you have access and are you cleared?

Ms. Griffiths. Isn't that in the Colonel Peck alleged resignation letter?

Senator Brown. Yes.

Ms. Griffiths. I say alleged because, Senator—I mean, General Soyster told all the families at our national convention that Colonel Peck was removed from his position and did not resign. I have a top secret clearance, not a code word clearance. And I would be embarrassed if I were the Chief of POW/MIA Office to admit that as little time as I have to read, I get message traffic before he does. I just can't imagine that is true.

Senator Brown. You do have clearance?

Ms. Griffiths. Yes.

Senator Brown. You do see these messages?

Ms. Griffiths. To the extent that I have time. Unfortunately, I don't have the time I wish I had.

Senator Brown. Thank you.

The Chairman. Senator Reid.

Senator Reid. I would like to follow Senator Brown and get this matter cleared up. In fact, what Colonel Peck wrote, and he's talking about you, "The Director of the National League of Families occupies an interesting and questionable position in the whole process. Although assiduously churning the account to give a tawdry illusion of progress, she is adamantly opposed to any initiative to actually get to the heart of the problem, and more importantly, interferes in or actively sabotages POW/MIA analysis of investigations.

"She insists on rewriting or editing all significant documents produced by the office, then touted as the DIA position. She apparently has access to top secret code word message traffic for which she is supposedly not cleared, and she receives it well ahead of the DIA intelligence analysts. Her influence in jerking around everyone and everything involved in the issue goes far beyond the war and MIA protestor gone straight scenario.

"She was brought from the outside into the center of the imbroglio and then cloaked in a mantle of sanctimony, routinely impedes real progress and insidiously muddles up the issue. One wonders who she really is and where she came from."

Following up on what Senator Brown said, that's the end of his quote, have you ever had access to secret government documents on the POW/MIA issue?

Ms. Griffiths. Regularly.

Senator Reid. How do you get those?

Ms. Griffiths. From every agency of the government. As a member of the Interagency Group, I have a top secret clearance.

Senator Reid. Have you ever asked to rewrite a DIA position?

Ms. Griffiths. No. What I think—well, first of all, Colonel Peck was there for such a short time, I don't think he had a very good grasp on interagency coordination and differentiated between policy documents or the kinds of things like press guidance and policy positions that everyone puts their comments on who is a member of the IAG.

As far as for instance, the outrageous slander that I would impede efforts to resolve this issue, particularly on the live prisoner issue, is just outrageous and it's false and I can't imagine why he would say it except to say what the—Secretary Andrews said and General Soyster has said. He was the wrong man for the job. I'm sure he was frustrated.

Contrary to him, I wish I had the authority that is being ascribed to me. I don't think we would have quite as many mistakes and as much bureaucratic in-fighting and discussion as sometimes takes place in the Interagency Group.

Senator REID. Have you ever interfered with a POW/MIA investigation?

Ms. GRIFFITHS. No.

Senator REID. I think it would be important to us then if you would give us your background before coming direct to the League of Families, and then tell us what your duties encompass as Director of the League of Families.

Ms. GRIFFITHS. My duties encompass?

Senator REID. Yes. What is your background?

Ms. GRIFFITHS. My background?

Senator REID. Yes.

Ms. GRIFFITHS. I'm not an intelligence analyst. I have a background sheet that I provided for the record, background on the League. I have the letter from Secretary Andrews to our Chairman of the Board responding to Colonel Peck's allegations.

I understand you all were successful, which pleases me greatly, in getting them to agree to release their inquiry on Colonel Peck's accusations or their internal inquiry on that matter. That's something that the League had requested as well, so I'm very pleased that they've decided to provide that.

I've been Executive Director of the League for 13 years.

Senator REID. Is that a full time job?

Ms. GRIFFITHS. Oh, yes, more than full time.

Senator REID. What kind of a staff does the League have?

Ms. GRIFFITHS. Right now, let's see, 1, 2, 3. Only 3.

Senator REID. How is it funded?

Ms. GRIFFITHS. Publicly—contributions, donations. It's a nonprofit 501C3 organization.

Senator REID. What did you do before you became Director of the League?

Ms. GRIFFITHS. I worked on the Hill shortly for Congressman Bill Young of Florida. Before that I was a housewife and mother, now grandmother of 5.

The CHAIRMAN. Thank you very much, Senator Reid.

Senator McCain.

Ms. GRIFFITHS. Oh, I forgot. Excuse me. I was on the Board of Directors for 4 years. My duties within the League, I forgot to mention those. My brother has been missing for twenty-six years. My duties as League Executive Director are to represent all of the families, not individual cases. I am instructed to implement the policies adopted by the Board of Directors and/or membership.

I do not develop my own policies and that is my instructions. Within that context I work, in fact, helped found, the Interagency Group, the only member still existing on the Interagency Group, and that Group is to develop policy for resolving the issue.

My obligation within that is to provide the views of the families within policy established by the Board and the membership.

Senator McCain. Just to follow up on Senator Reid's question, what rationale was used, since you are a non-government official, you are a Director of the National League of Families, that would give you access to the classified top secret information?

Ms. Griffiths. Actually it was at the very end of the Carter administration at the time, and there was justifiable suspicion on the part of all of the families about the fact that we had not been provided full information. This was long before, of course, the policy decision to full disclosure. And it was, I believe, the IG was first formed in 1980, probably early 1980, and the rationale earlier, before that formation, General Tighe is the one who gave me first—first gave me access to classified information and it was largely at that time to follow up on DIA's performance as far as their professionalism and pursuing and resolving firsthand live-sighting reports.

Senator McCain. Are you satisfied with the provisions that are included in the Defense Authorization Bill concerning full disclosure?

Ms. Griffiths. I am with one provision, and that is—and that's a position of the families, it's not my personal position. I happen to agree with it, and that is that information be provided to the primary next of kin. There's a—as in all things affecting all of us in legal matters, there is a primary next of kin, kind of like a chain of command, and the primary next of kin and the secondary next of kin are not always in agreement.

A wife may differ with the child, for instance. So the Board's concern and the families' concern was to ensure that the rights and prerogatives of the primary next of kin are not violated by public disclosure or just loose handling or indiscriminate dissemination of information over which they feel as primary next of kin of the missing men should be up to them to make that decision.

Senator McCain. And I'm sure you appreciate our point of view on that issue. We have ventilated it pretty much.

You heard Mr. Bell's testimony this morning?

Ms. Griffiths. No, I didn't, Senator, but I did hear about it.

Senator McCain. Mr. Bell basically—I hope I'm accurately stating his view, that following the cessation of hostilities in Southeast Asia there could have been as many as 10 Americans alive. Whether they are still alive now is another question, but there was hard evidence, in his view, at the time that would give him that view.

Do you share that view generally or specifically?

Ms. Griffiths. Certainly generally. I have not seen such hard evidence other than what I responded to the Chairman awhile ago, and to me that's pretty hard evidence about people that we knew were alive, some of them pretty close to the signing of the Paris Peace Accords.

We've never put a number on how many because we don't have that evidence. If there is such hard evidence, I have not seen it during all of my years with access to classified information that would definitely prove Americans were alive at the time that you all came home, other than what I've said.

The Chairman. When did your access begin?

Ms. Griffiths. Initially it was only—it was secret, not top secret, and it was, I think—General Tighe is the one that authorized it; 1978 maybe, 1979. Admiral Tuttle was there. I can't remember.

Senator McCain. So that really is a very crucial period. You were not at that time up to speed on the information——

Ms. Griffiths. Oh, no, and as you know, there are volumes.

Senator McCain.—that Mr. Bell describes?

Ms. Griffiths. No. He would have been; he was in a position to know.

Senator McCain. Is it your personal view, not the view of the Board, that the numbers of Americans alive left in Southeast Asia are, assuming that there are, we both operate on the assumption that there are, would be in the tens or the hundreds?

Ms. Griffiths. My personal view. It's very hard to define, you know, to say how many you think there are, especially either one of us, Senator, with the position of having access to classified information, to speculate on numbers.

For instance, if I said tens and there were really two hundred and fifteen, then what would be the obligation on the part of the Vietnamese to return more than one hundred if we said only tens?

I just think it's unwise to speculate on numbers. I don't think they're massive numbers.

Senator McCain. I understand. We have solicited from the panel of witnesses this morning, those who were having to do the job in the field, recommendations and proposals in order for this issue to be rapidly resolved. In other words, for the Vietnamese government to be in full compliance with the process for resolution of this issue.

Since you obviously have some concerns, and in light of the letter that Chairman Kerry read, we would like to have your input also, and I know that the Chairman and the Vice Chairman will pass those on to the Vietnamese Ambassador and perhaps we can lay out exactly what we expect from the Vietnamese government and that will help us over time to make a full determination as to whether they are being cooperative or not cooperative, roadmap aside, as to whether they are or not; since there is some difference of opinion, not that the Vietnamese, whether they are being fully cooperative or not, but to what degree they are cooperating.

I think, for example, General Vessey might have some gradient of difference in view with you as to the degree of cooperation, so we would appreciate that.

Ms. Griffiths. Well, I think that if you look at the roadmap, the way that it's strictly written, I think that it's well written to achieve the fullest possible accounting there can be, and we fully support that.

I think where we had concerns is that there would be any softening of the basic data base——

Senator McCain. Fine, but you misunderstand my question. I would like your recommendations, either in writing or whatever you choose, as to what the Vietnamese need to do, in your view, to be fully cooperative in helping resolve this issue.

Ms. GRIFFITHS. OK.

Senator MCCAIN. We would appreciate that.

Ms. GRIFFITHS. OK. I'll be glad to provide it.

Senator MCCAIN. In fact, if you would like to say verbally——

Ms. GRIFFITHS. I can say it right now.

Senator MCCAIN. —some of the things that——

Ms. GRIFFITHS. OK. As outlined, immediate repatriation of all recovered or recoverable remains, full access, free and open access for our live-sighting investigators to be able to go not with written advance notice of where they want to go, but actual access, that it's viable, that's going to hold up to scrutiny of the families, the American people, the Congress and everybody else.

You can't give them notice of a prison you want to go to 24 hours or 2 days in advance and expect that to be viable.

Full access to the archival research, which I think will do a great deal to account for missing Americans, including many that we will probably not be able to get recoverable remains, and then there was one other point.

Well, I can't think of the other one right now, but I will put that in writing if I think of another one.

Now, that's what they need to do. Our government needs to make sure that they implement the provisions of the road map as stated, without any decreasing of the strength of the provisions in the roadmap.

Senator MCCAIN. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator McCain.

Senator Grassley is recognized for 10 minutes for his time and Senator Smith's time.

Senator GRASSLEY. Thank you very much.

Ms. Griffiths, last time you and I had a chance to visit was in my office. Colonel Schlatter asked me to visit with you. I found the information you gave me very good. At that particular time I said I was after original information. I do not have any reason to question the truthfulness of what you told me then or your sincerity then, and I have no reason to question that now.

When you and I separated at that particular time, I told you I thought access to information was what was absolutely necessary for me to fulfill my constitutional responsibility of oversight, to see that money was spent the way the Congress decided it should be spent, and that laws are being carried out the way we write those laws.

So here we are again today, only at a much greater expense in the pursuit of that information that it takes us to do our job adequately, to see that the law and money appropriated by the Congress is adequately spent, and you are part of that process.

My topic of discussion with you today will be along that same line. I was first going to ask you, but I think you clarified very well, about the fact that you have had 26 years of interest in this issue, and for the last 13 years you have been very much deeply, very actively involved.

Yesterday in my opening statement I made a point about how sometimes when we are deeply involved in an issue, one tends to lose sight of the forest for the trees, and I am not necessarily suggesting that this applies to you.

You are an MIA family member yourself and I do not, nor do I think, anyone questions your dedication to resolving this issue. In fact, you expressed a view that I expressed a couple times yesterday about working with the Vietnamese government and not putting them in a squeeze. I think I share with you very well wanting the Vietnamese to be open, if there are people over there, so we will not be in a situation where we cannot get our men out.

There is one thing that puzzles me and I would like to get it out on the record and let you have an opportunity to respond. Shortly after our visit in my office, or about that same time, I wrote to the Defense Department to get access to live-sighting reports, the very reports that have been discussed before this Committee over the past 48 hours.

It took me 2 months to get a response. I received a letter from Assistant Secretary Henry Rowen. He said that I could not see the reports because they are classified. Now, obviously that is ridiculous to you, ridiculous to people on this Committee, anybody in the Senate, but that was the response.

The response basically said that a U.S. Senator cannot review information because it is classified. I am just saying what it said.

Ms. Griffiths. OK.

Senator Grassley. Now, for the next 2½ months I fought quietly to get a more reasonable response. I kept hearing from inside the Pentagon that there was fierce opposition to my access for some reason, and for some reason I heard that that fierce opposition was coming from you.

Now, I can assure you, Ms. Griffiths, that I did not believe that. Why would any person in your position as the head of an organization that is looking to get the same results that this Committee wants ever want to deny access to a U.S. Senator in the pursuit of that same information to help families get an answer to whether loved ones are dead or alive?

Besides, I know, for instance, that you personally have access to this information. So why would you want to deny it to a Senator?

Ms. Griffiths. Is that—That's the question?

Senator Grassley. Yes.

Ms. Griffiths. I don't. I don't want to deny it to the Senator. Our position has always been that there are responsible committees of Congress, we advocate and welcome.

Senator Grassley. Well, after 2½ more months of failure to get a reasonable response, I finally stopped beating my head against the wall and I went to the Senate floor and I read Mr. Rowen's response to my colleagues in a speech on the Senate floor, and then within 24 hours I suddenly had the access that I wanted.

The reason I got access is because it sounded pretty silly in the public domain out there that DOD would deny any Senator access to information just because it is classified.

So within 24 hours I had access. Forty-eight hours later a memo from you to Paul Wolfowitz fell into my possession. It is dated

August the 2nd, 1990, and I would ask you if you are familiar with that memo.

Ms. **Griffiths**. I'm familiar with it, but I don't have it with me.

Senator **Grassley**. OK. I am going to put it in the record, but in this memo you blast whoever made a decision to grant access to a Senator. My name is not—I don't believe my name is specifically mentioned. You said that granting me access is tantamount to cooperating with a witch hunt.

[The information referred to follows:]

Letter From Anne Mills Griffiths To Paul Wolfowitz

FROM: Ann Mills Griffiths

Subject: Access to Classified POW/MIA Material

Date: August 3, 1990

On August 1, letters from ASD/LA Dave Gribbin were sent to Senators Jesse Helms (R–NC), and Charles Grassley (R–IA) giving them full access to cases of interest on the POW/MIA issue. In addition, Mr. Gribbin suggested that the Senators may wish to invite staff of the Foreign Relations, Armed Services or Intelligence Committees, with the *appropriate clearances* and with *responsibility for the POW/MIA issue,* to accompany them to review of the classified material.

An additional August 1 letter was sent to Representative Beilenson stating that Congressman Bob Smith (R–NH) would be provided the same opportunity, along with staff of the Armed Services or Intelligence Committees, under the same clearance criteria. Mr. Gribbin's decision to pursue this course (which I understand was strongly opposed by ISA, DIA and the Deputy Chief of Staff for Intelligence, Department of the Army) has far reaching ramifications about which I feel you and the Secretary should be aware.

As you know, the President, Vice President, Secretary Cheney, you Bob Kimmitt and others have firmly committed the U.S. Government to pursuing resolution of the POW/MIA issue as a matter of highest national priority. These pledges were taken at face value and gratefully received by POW/MIA families. If implemented, this course makes a mockery of the Bush Administration's commitments.

On any matter of *highest national priority,* sensitive information is not subject to indiscriminate release outside of the parameters established by the Congress itself, i.e., the respective Select Committees on Intelligence and responsible staff members with appropriate clearances. This path, if followed, sets a precedent for similar access on other issues; such a step would not be considered, much less approved, on Cambodian, Soviet, Chinese, Middle East or other matter of importance to the U.S. In short, the President's and Secretary's pledges will be viewed as nothing more than hollow tokenism.

Mr. Gribbin's communications *authorize access to individual Members of Congress who have been loudest in proclaiming that USG officials are not pursuing this issue with integrity or priority.* (Examples are enclosed.) Their records are replete with implications, or outright assertions, that the USG is involved in a conspiracy to coverup evidence that Americans are being held captive in Southeast Asia.

I have no concern that Members of Congress or staff will uncover anything which would lend credence to the charges of conspiracy against which we have collectively fought since the 1983–86 time frame. On the contrary, while problems are continuously identified and remedied, there is a great well of talent in DIA's Special POW/MIA Office.

My concern is that if this decision is implemented, the above message—that the POW/MIA issue is one solely of rhetorical priority—will be made clear throughout the U.S. Government. Equally or more important, Hanoi will perceive that stated U.S. policy on this issue is no longer valid and that resolution of the fates of America's POW/MIA's is not an issue which they need to seriously address.

Beyond these significant policy considerations, there will be a severe negative impact throughout the intelligence community. One can anticipate immediate CIA and NSA action to pull their documents and information from the files currently held by DIA. Department of State, the FBI and DEA, as well as friendly foreign intelligence services and others with ongoing investigations and cooperative programs will cease all cooperation on POW/MIA related matters. Sensitive sources and methods will be exposed which will have an adverse effect on source cooperation and reporting. Strategies will be exposed and negotiations will be compromised by revealing the extent of U.S. knowledge and intelligence gaps to those from whom we are seeking information.

As outlined in Mr. Gribbin's letters, DIA's Special Office for POW/MIA Affairs will necessarily be available to assist the Members of Congress and staff during their review of the material. This will usurp critical manpower from important and serious efforts to accomplish the objectives stated by the President and Secretary Cheney. The current level of personnel in DIA's POW/MIA office was established as a result of the Reagan/Bush priority, hard earned and absolutely mandatory. Squandering their time and efforts to participate in a "witch hunt" against themselves does nothing to help resolve the issue and, in fact, lends credence to those most involved in accusations that a *"mindset to debunk"* exists in that office.

Finally, indiscriminate release such as Mr. Gribbin has now invited will potentially subject POW/MIA family members to *further, tragic exploitation by "activists."* I am appalled by this action from an *individual who obviously knows little about the issue* but is seeking to *render to Congress by sacrificing principle and the integrity* of the President and Secretary Cheney. He *clearly has no understanding* of what this will mean in the broader sense, not to mention POW/MIA.

Senator GRASSLEY. You said the following things would happen if a Senator had access, and I am not going to read the whole memo because I have asked to have it included in the record, but just a few sentences.

"If implemented, this course makes a mockery of Bush Administration commitments." Next, "The President and Secretary's pledges will be viewed as nothing more than hollow tokenism. If this decision is implemented, the message that the POW/MIA issue is one solely of rhetorical priority will be made clear throughout the U.S. Government. Hanoi will perceive that stated U.S. policy on this issue is no longer valid and that resolution of the fate of American POW/MIA's is not an issue which they need to seriously address."

The last quote, "One can anticipate immediate CIA and NSA action to pull their documents and information from the files currently held by DIA. Department of State, the FBI and DEA, as well as friendly foreign intelligence services and others with ongoing investigations and cooperative programs will cease all cooperation on POW/MIA related matters. Sensitive sources and methods will be exposed, which will have an adverse effect on source cooperation and reporting. Strategies will be exposed and negotiations will be compromised by revealing the extent of U.S. knowledge and intelligence gaps to those from whom we are seeking information."

Now, this kind of makes it sound like the sky is falling, all because one little insignificant Senator was asking for information to live-sighting reports.

So this is what I would like to have you explain: Why did you write this memo to Paul Wolfowitz, why do you believe a U.S. Senator should be denied access to the same information that you have access to as a private citizen, and why do you believe a U.S. Senator getting access would cause the sky to fall, and I think you would agree that none of this really happened, after I spent 4 days——

Ms. GRIFFITHS. Senator, I'm sorry, you misinterpreted it. It was never directed at you alone. It was a process that they were talking about of opening up everything in DIA's files without the kind of committee—outside of the committee structure of both Houses, of the Senate.

It had nothing to do with you. I have no objection whatsoever, under the rules and regulations of the Senate and the House, for your looking at classified information. That is your right, that is your obligation. It was the whole process that we were talking about here and they were not thinking it through for just full and open dumping of information, and I don't remember all of the details of it, but I know it had nothing to do with individual members of either House.

I do not believe that you all shouldn't have classified information.

Senator **Grassley**. Well, I did not read the first sentence of the memo, but it says, "On August 1st, letters from Assistant Secretary of Defense, Legislative Affairs, Dave Gribbin, were sent to Senators Jesse Helms and Charles Grassley, giving full access to cases of interest on the POW/MIA issue," and then the rest of your memo.

So you were writing because we asked for the information?

Ms. **Griffiths**. No; it was also to invite staff of the Foreign Relations, Armed Services or Intelligence Committees, with the appropriate clearances and with responsibility for POW/MIA issue, to accompany them to review all of the classified material, right? This is the same one?

Senator **Grassley**. Yes.

Ms. **Griffiths**. There was a longstanding policy, which I knew to be in existence, that the appropriate committees with responsibility on this issue would be provided full access to any and all information under the control regulations that you all have, which I know little about.

I also know that indiscriminate providing of some of that information, outside of the Committee structure, has ended up on the street. Family members have been exploited badly on this issue, even by some former Members of Congress.

There is absolutely no opposition that the League has or I personally have under the regulations and rules of the Senate and the House to you all having information, any of it. I would assume that you would not violate your own rules.

I do know a lot of family members, I would say, who are a little bit concerned for them to—for others than those that they—those that they approve of to have access to their own personal files.

Senator **Grassley**. Well, let me conclude by making an observation. Based upon the comments you just made I can't help but interpret it any more than there were certain Senators you didn't want to have access to this information, because it was in direct response to the letter that Jesse Helms and I had written.

Ms. **Griffiths**. I can review those if you would like, and provide you a written response, Senator.

Senator **Grassley**. Well, let's let it go at that. I would like to conclude, Mr. Chairman, because my time is up, by making one observation. Ms. Griffiths also says in her memo that DOD, in cooperating with my request, quote, "lends credence to those most involved in accusations that a mind set to debunk exists in that office," end of quote.

Now, just yesterday I sat here and listened for the first time, as Chairman Kerry pointed out, to administration officials say that a mind set to debunk may, in fact, be part of the problem.

If I may return to a comment that I made at the outset, I mentioned that sometimes those of us who have worked so long and so hard on an issue, because of our dedication, can be too close and lose perspective.

I don't say this necessarily applies to Ms. Griffiths, but I think that we need to be consciously aware of this possibility all the time, and I believe members of this Committee are well-advised to keep this possibility in the back of their mind as they try to sort out the truth on this issue.

I thank you, Mr. Chairman, and yield the floor.

The CHAIRMAN. Thank you very much, Senator Grassley.

Senator Kohl.

Senator KOHL. Thank you very much, Mr. Chairman.

I have a question, but before I ask my question, I would just like to ask your consent that a statement by Ann Fischer whose brother is listed among the missing in action and whom I referred to yesterday be included in the record.

[The statement referred to may found in the hearing of Tuesday, November 5, 1991.]

The CHAIRMAN. Without objection, absolutely. I don't know if it is too late to try to take it back to that period, but if it can be, it will be; otherwise we will have it in the record.

Senator KOHL. Thank you so much.

Ms. Griffiths, what I have found is that there is considerable—among the people we are talking about, the families of POW's, MIA's, there seems to be considerable concern about your relationship with them and its depth, its meaning, its totality.

Now, I don't know why. I just became involved in this whole issue fairly recently, so I do not have any axe to grind. I mean, you are the person who has been involved for how many years?

Ms. GRIFFITHS. Well, on the Board for 4 years and League Executive Director for 13, brother missing 26.

Senator KOHL. Right, right. But what I have found is that there are even some splinter groups which have been formed apparently——

Ms. GRIFFITHS. That's correct.

Senator KOHL. —as a result of feelings of dissatisfaction with respect to the service that your group has offered, and it is pretty clear to me that you are the central person in that group.

Now, what would you say to these people? I mean, many of them, I suppose, are listening on television and have the same depths of feelings as you do.

Ms. GRIFFITHS. Sure. I understand.

Senator KOHL. And they probably would like to hear from you about some of the concerns they have, to alleviate them, to respond to them if they were sitting here and you had just a few minutes to talk to them in response to those things that have caused them to form their own offshoot groups. What would you say to them?

Ms. GRIFFITHS. Well, two things, one to them and one to you. The League is, as I said, 3,822 members. It's a democratic organization that elects a Board of Directors every year. In no organization, particularly one as emotional as this one, as this issue, all League members have a close relative that is missing, and there are varying views.

Each case is different. It's sort of like you're an elected Senator. I doubt that you got one hundred percent of your vote of your constituents, and that's just the way it goes. I don't make the policy of the League, I implement the policy the best way I can.

If there are those who are unhappy with it, there is a process for rectifying it, and that is through the election of the Board of Directors and their selection of Executive Director.

I would point out that a few years ago, when there was one of the controversies, I submitted my name to the membership as—not that it would be binding, because I'm selected by the Board, not elected as the Board members are, but to find out their views and had it been a bylaw, would have passed, because it was over two-thirds majority of all the voting members who voted.

So there's going to be different views. I think what's important to look at is that the consensus policy is what is League policy, and I've submitted that along with these documents as well. It can't please everyone, but the Board and I, the staff, are always open to suggestions.

We bring things to the Board. They're elected by the membership at large as at large delegates. If they have problems with the policies of the League, then that's the way they go about changing it, and I certainly understand that all family members are equally interested in getting their missing loved ones accounted for, but I can't account for the differences and views and it's certainly their right to start any, quote, splinter organization.

I have yet to hear any viable proposals from any splinter organizations, as you termed it, that offer an alternative that would get the fullest possible accounting for our relatives, and therein lies part of the problem. I don't know of a better solution, neither does the Board of Directors and neither does a good majority of our membership, know a better solution than what is being proposed.

What is being worked now, all that's missing, is greater responsiveness, not more effort. Does that answer your question?

Senator KOHL. Well, this is just your opportunity to address that problem to them.

Ms. GRIFFITHS. OK. I don't know what else to say.

Senator KOHL. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Kohl.

Senator Kassebaum.

Senator KASSEBAUM. First, Mr. Chairman, my apologies for being late and to you, too, Ms. Griffiths. I tried to juggle a couple of other hearings and so I feel even remiss in asking a question, but I guess coming in a bit late into this exchange with Senator Grassley, you had access to classified material because of your role as an appointee of President Reagan on the Interagency Task Force?

Ms. GRIFFITHS. Well, it was an administration decision that dates back to actually the end of the Carter administration when the Interagency Group was formed.

Senator KASSEBAUM. Do you then in that role have access to any of the Vietnamese archives? I mean, most of that, I assume, is in Vietnamese?

Ms. GRIFFITHS. Yes.

Senator KASSEBAUM. But I would think that some of the archives there might also have some English translated reports.

Ms. GRIFFITHS. It's only been recently. We've been trying to get access for our linguists and specialists such as you all heard from earlier for a large number of years because we know—what we do know about their system is that their collection and retention of records remains information was extensive, thorough and highly successful, and so that's something that we've been seeking for quite some time.

General Vessey was able to move that forward further and there are indications now where our qualified linguists and research specialists are going to be able to get documentation.

I'm not an intelligence analyst. I don't—contrary to Mike Peck's assertions, I don't analyze intelligence reports either, but they are getting that kind of access that I think is going to be crucial to achieving the objectives.

Have I personally looked at it? Only what has been provided, excerpts.

Senator KASSEBAUM. On our own classified documents, how do you ascertain what it is you want to see or don't want to see or how do you factor in that access?

Ms. GRIFFITHS. Well, it depends on—as I was telling them earlier——

Senator KASSEBAUM. I don't want you to repeat it.

Ms. GRIFFITHS. No, no. I just don't have the kind of time. How I know what to look for is I'm involved in the whole formation of the roadmap, for instance, and the presentation and policy level dialogue with the Vietnamese, the technical level meetings and I think someone testified earlier, maybe it was at the Solarz hearing, that technical talking points are drafted out in CINCPAC, come in for the Interagency to look at them and then they go back out, incoming live-sighting reports, follow ups by DIA, ongoing dialogue in reports that come in from the field office in Hanoi.

I mean, it's a multitude of things, largely limited by my time limitation.

Senator KASSEBAUM. I don't want you to have to repeat what maybe has already gone through, and perhaps you have already answered, but I know you address Laos in a special section here, if anybody has asked you about that, and if you see greater access there now as well, and any—if you have noticed an ability to be able to more freely account for activity in Laos.

Ms. GRIFFITHS. I think of the relatively minimal percentage. It's roughly 18 percent or so of the 528 Americans that are missing in Laos, that the precursor of the current Laos government might have some knowledge. They are not known to have retained and collected a great deal of information.

They do now control the country, however, and the large percentage of—almost 85 percent that occurred in areas controlled by the Vietnamese, we are seeking Vietnam's cooperation to provide the data base that they have to match with our people's data base, to enable then joint investigations to take place, particularly the initial group of those, some discrepancy cases along the border that General Vessey had presented to them earlier.

I do see in Laos serious efforts and it's in relative terms. You're talking here of going from very little, one a year, to really seven joint activities in the last couple of years, I think seven, maybe less, and it's going to be seven or more this year.

With their limited resources and assets and personnel, that coming from almost zero is a lot, especially with access to additional provinces it should be much more, but I see them really making a strong commitment and really trying hard. They just need help every step of the way with personnel, resources, assets, assistance.

Senator KASSEBAUM. I'm now about out of time and maybe this was pursued——

The CHAIRMAN. Take a little—if you want to——

Senator KASSEBAUM. Just to pursue again the fraud issue——

The CHAIRMAN. Senator, if you want to take a little extra——

Senator KASSEBAUM. —that I raised this morning, has that been asked?

In your capacity as Executive Director, do you report to the Defense Department? I don't know who you might report to if you believe there is some fraud that members and the families have uncovered.

Ms. GRIFFITHS. Yes—well, no, not—it's been actually reported more to Congress. The Congress has asked us on many occasions, particularly the House Task Force and the Solarz Subcommittee have asked inquiries about that and on some occasions, you know, really there's nothing that happens.

It's not fraud so much as it's distortion or misinformation or a combination of that or emotional appeals, some of which are not based totally on fact or partially or whatever, so it's a combination of things, and earlier the House Subcommittee had looked into this to some degree, but I don't think anything further happened of it.

It comes to us frequently, we always just send copies so that everybody is aware of the latest thing that's going on, including to the Congressional Committees. We've been sending the staff of this Committee a great deal of information that comes in by fax and that kind of thing.

Senator KASSEBAUM. Thank you very much.

The CHAIRMAN. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

Ms. Griffiths, if I could go back to this memorandum, you did write that memorandum that Senator Grassley quoted?

Ms. GRIFFITHS. It looks like mine. It's got everything cut off, but those are my initials.

Senator MCCAIN. This was August 2nd, 1990, according to this memorandum, and you were basically complaining about the letter sent from Mr. Dave Gribbin to Senators Jesse Helms and Charles Grassley, giving them full access to cases of interest on the POW/MIA issue?

Ms. GRIFFITHS. Well, I can't remember what we——

Senator MCCAIN. You were expressing your concern if this memo is true?

Ms. GRIFFITHS. That's correct.

Senator MCCAIN. They did receive the clearance though from Mr. Gribbin, right, and they pursued as——

Ms. GRIFFITHS. Yes. It was something to do with what was in his letter, the way that it was worded that opened things up more than two individual Senators within the regulations of your own House.

What I'd like to do, Senator, is provide the copy of that letter, that correspondence, for the record. I would like to do that.

[The letter referred to may be found on p. 351 of the appendix.]

Senator McCain. Fine, but your memorandum says, "Giving them full access to cases of interest on the POW/MIA issue," right?

Ms. Griffiths. I guess so.

Senator McCain. You said, in addition, et cetera, "The Senators may wish to invite staff of the Foreign Relations Committee, Armed Services, with the appropriate clearances and with the responsibility for the POW/MIA issue to accompany them to review the classified material."

That's your statement of what Mr. Gribbin's action did; is that correct?

Ms. Griffiths. I guess. I think so.

Senator McCain. I mean, that is how you describe it.

Ms. Griffiths. Yes.

Senator McCain. Then you go on down and make this a very—make a very strong statement against it. Now, this is your memo, as you say. You go on down in the third from the bottom paragraph and you say, "There will be a severe negative impact throughout the intelligence community. One can anticipate immediate CIA and NSA action to pull their documents and information from the files currently held by DIA." Has that happened?

Ms. Griffiths. No.

Senator McCain. It has not happened?

Ms. Griffiths. I think the point of this, Senator, if I could respond?

Senator McCain. Yes.

Ms. Griffiths. They were—There is a policy the Defense Department has for release of documents. What they were doing on this issue is not treating it with the same seriousness as which they treat other issues that you all consider serious and of high priority.

It was a process problem, not individual members. Our view was it should be done——

Senator McCain. I understand that, Ms. Griffiths. You described that, I think, in your first paragraph. Not only was it Senator Grassley and Senator Helms, but also invite staff, et cetera, et cetera.

My point is those things did happen, Senator Grassley had access, staff had access, Senator Helms had access, which they have been previously described.

In your memo then, you go on to say, "If this happens," which it happened, "that there will be a severe negative impact throughout the entire intelligence community."

My question to you is, because those things happened that you were concerned about, as you expressed in your first paragraph, and you predicted "One can anticipate immediate CIA and NSA action to pull their documents and information from the files currently held by the DIA," my question to you is did those things happen.

Ms. Griffiths. I have no way of knowing.

Senator McCain. Well, you have access to the files.

Ms. **Griffiths**. I haven't gone back and gone through every file, so I don't know.

Senator **McCain**. Well, I think you would know, would you not, if the immediate CIA and NSA action to pull their documents and information from the files, I think you would know whether they were pulled or not; would you not?

Ms. **Griffiths**. No, not unless I went back and looked through them. Let me put it this way——

Senator **McCain**. Well, let me go on. If you do not know, fine. "If the Department of State, the FBI and DEA, as well as friendly foreign intelligence services and others with ongoing investigations and cooperative programs will cease all cooperation on POW/MIA related matters." Has that happened?

Ms. **Griffiths**. If they dump—it was—no.

Senator **McCain**. That has not happened?

Ms. **Griffiths**. No. Have they ceased all cooperation?

Senator **McCain**. Yes.

Ms. **Griffiths**. No, they have not, that part of it.

Senator **McCain**. As you anticipated?

Ms. **Griffiths**. You're missing the point of what the memo was and maybe it was a poor choice of words. What I'm saying is, for anyone to go and declassify or to just open up their records—if DIA had NSA, CIA and everybody else's records in a file and gave it to someone, someone with clearance, not just—I don't mean members of the Senate, but wouldn't it be—there is a process for doing that with which all serious issues are pursued. We wanted the issue treated seriously.

Senator **Grassley**. Can I clarify something?

Senator **McCain**. Ms. Griffiths—Go ahead, please.

Senator **Grassley**. You said that I had asked things to be declassified. I have never asked anything to be declassified.

Ms. **Griffiths**. I didn't say that.

Senator **McCain**. Ms. Griffiths, let me go back to the opening paragraph. "On August 1, letters from ASDLA, Dave Gribbin, were sent to Senators Jesse Helms and Charles Grassley giving them full access to cases of interest on the POW/MIA issue. In addition, Mr. Gribbin suggested that the Senators may wish to invite staff of the Foreign Relations Committee, Armed Services or Intelligence Committees, with the appropriate clearances and with responsibility for the POW/MIA issue to accompany than to review of the classified material."

In addition, a letter was sent to Congressman Bob Smith, et cetera. So you said, "I understand we're strongly opposed," et cetera, "has far reaching ramifications about which I feel you and the Secretary should be aware."

I believe you are talking about the August 1 letters that were sent to Senator Grassley and Senator Helms in the first paragraph of your letter.

Ms. **Griffiths**. That's correct.

Senator **McCain**. OK. Those things happened. Then you later on say, "If these happen, then I anticipate lack of cooperation," et cetera, et cetera. My question to you is, did those things happen? Did all cooperation cease between the Department of State, FBI, DIA, as well as friendly foreign intelligence services and others with ongoing investigations and cooperative programs, will cease all cooperation on POW/MIA related matters; did those things happen?

Ms. GRIFFITHS. Not to my knowledge. I don't know.

Senator MCCAIN. I guess finally, did it usurp critical manpower from important and serious efforts to accomplish the objectives stated by the President and Secretary Cheney?

Ms. GRIFFITHS. Yes,

Senator MCCAIN. It did usurp?

Ms. GRIFFITHS. Sure. Anything like that will.

Senator MCCAIN. It did? The fact that Senator Grassley and Senator Helms and these other staffers had access to this usurped critical manpower from important and serious efforts?

Ms. GRIFFITHS. I don't know how many of DIA's personnel were assigned to sit there as they went through all of these things. It was a significant number.

Senator MCCAIN. OK. Finally, being a member of the Senate Armed Services Committee, I am rather familiar with Mr. Gribbin and you say, "I am appalled by this action from an individual who obviously knows little about the issue," which may be correct, but is seeking to pander to Congress by sacrificing principle and the integrity of the President? Mr. Gribbin is not that kind of person, Ms. Griffiths, and if I were him I would be very offended at that depiction of the actions that he took without any evidence to the contrary.

Ms. GRIFFITHS. Hindsight is much better. I agree.

Senator MCCAIN. Thank you. I have no further questions, Mr. Chairman.

Senator REID. Mr. Chairman, before we go vote, I get to say one thing.

The CHAIRMAN. Senator Reid.

Senator REID. I don't know Colonel Peck, never seen him, don't know if he is going to come and testify before us, but I do not think we can just discount his statement about you based upon this memo that you prepared.

Ms. GRIFFITHS. Well, I suggest, Senator, that—first of all, I did say I would provide an explanation for the record with the letters that go with that, and, second, the inquiry that you've requested, that I understand, Assistant Secretary Duane Andrews has said that what he will provide will probably give you clarifications.

Senator REID. I hope so, because——

Ms. GRIFFITHS. I hope so.

Senator REID.—this is exactly what Colonel Peck is saying or what he said, is what you have in this memo to whatever his name is, Wolfowitz.

Ms. GRIFFITHS. Wolfowitz. No, sir, that was not—I don't consider that at all the same.

The CHAIRMAN. If I can, before I run off and vote also, hopefully Senator Smith will get back, let me raise a different light on this, Ms. Griffiths, if I can.

One of the great concerns here that has been expressed by many people, and you expressed it in the memo, is the notion that there is a conspiracy, that people want to cover up, and what you write in this memo in one paragraph is the following.

You say, "Mr. Gribbin's communications authorize access to individual members of Congress who have been loudest in proclaiming that U.S. Government officials are not pursuing this issue with integrity or priority."

That is underlined incidentally. Is that your underlining?

Ms. Griffiths. I don't know.

The Chairman. It's underlined in the copy I have and it is sort of selectively underlined. I assume that is your underlining, but I am not going to say that with certainty. But what you seem to be implying is that because they are doubting, they are among the doubters of the effort to try to get at this that they somehow should be singled out as not getting it.

Ms. Griffiths. No.

The Chairman. But whatever the purpose is, whatever the purpose, the impact is what is important. This is the kind of response that has just raised the hackles of everybody and suggests to people that somebody has something to hide.

Can you, sort of looking at this now, say yes, I see that?

Ms. Griffiths. No, I do.

The Chairman. You do see that?

Ms. Griffiths. Yes. I should never have sent that, I realize that.

The Chairman. Let's hold the—sir, this is not—I have not spoken out previously, but we do not want demonstrations here on any side whatsoever of this issue. This is too serious.

Ms. Griffiths. My point in this, Senator, was that there is a process through the Committees of the Congress——

The Chairman. No, I understand. I can truly read your point.

Ms. Griffiths. The League wants this issue treated seriously.

The Chairman. Correct, but my point is, and you have acknowledged it and I appreciate that candor, is that we have a history of this. This is precisely what has got people so tangled up in a quandary about the credibility factor, rather than the response, "Senator, come on over. My God, yes, we want you to see this and, of course, we want you to evaluate it."

A document appears that suggests to the contrary, how dare we let people who are doubting our effort see this. Now, what happens as a consequence is that that just feeds the frenzy.

Ms. Griffiths. I understand.

The Chairman. And I'm afraid that—I mean, as this Committee goes along, what we are going to find is sort of a process of that. Now, you yourself started out in this and I do not doubt for an instant, and I am not going to suggest it, I mean, you clearly have the same intention as everybody else. If somebody is alive there, you want to get them back and you want to do it tomorrow.

Ms. Griffiths. Yes.

The Chairman. And I am sure there are a lot of people so intentioned over the years, but who for defensive or turf reasons or whatever or did not want their integrity doubted or did not want someone else looking at the issue, and so that mindset to debunk that we have heard about kind of possibly crept in there.

I think that is what we have to look at. Now, I am intrigued, because you have made a very important statement here, a number of very important statements, and incidentally, you are very articulate and you clearly know this issue as well as anybody and you have invested an enormous amount in it.

What I want to try to get at a little bit is sort of that history during those years that you had some difficulties, too, so we can understand it, because I think it is terribly important for this Committee to be able to sort that out.

Now, I am going to recess us momentarily here. I know it will be very short. Senator Smith will be back, probably we will cross in the hallways, so if people could sit tight, we will pick up in just a couple of minutes. As soon as we finish any further questions with you, Ms. Griffiths, we are going to put the other family panel on and then we will close out with the final Defense Intelligence Agency panel.

So we will recess for a very, very brief moment.

[Recess.]

Senator Smith [presiding]. I think we need to resume. I am hearing there may be another vote around 4:30 p.m., so hopefully we can finish. Senator Kerry is on the way back.

I just want to follow up on a couple of points. I think the memo was fairly well covered. I guess I would just ask, I don't know if you were here—you were not here, I guess, yesterday, but one of the things that I think we have all said is that we would like to, in examining some of the mistakes of the past, we would like to try to correct things for the future so that we can make—try to move on and that was pretty much the gist of my opening statement, rather than to do battle with each other.

Do you feel now any concern or do you have any problem with any information, all information that you have seen, or any and all information you have seen coming to this Committee as under the direction of Secretary Cheney?

Ms. Griffiths. No. As long as it's with the procedures and regulations that you all have, you know, for committees of the House and Senate.

Senator Smith. When you first became involved with the issue, you, like a lot of us, got involved and you are much before me, because of—obviously because of the loss of a brother, but when you first became involved in it as a activist of the League, not as a family member per se, but getting involved in it in a formal way, you were concerned that things were not being done right.

I mean, that is what you have said in your testimony over the years, that you did not—in fact, I think, as I have a comment here that you said, and I think this was September of 1987, where you said in a House Foreign Affairs Subcommittee Hearing, and I do not recall whether I was there or not, but it was an answer in response to a question that John Rollin asked you.

"Do you believe we left Americans behind in 1973?" and you said, "Yes, I certainly do. There's no disagreement that Americans survived after the war."

Now, do you make that statement based on information, factual information, or intelligence that you have seen? Is that why you make that statement?

Ms. Griffiths. I make it on the basis—well, first of all, we in the League, but also I personally, believe Americans are alive now, Americans that—POW/MIA's. To make that statement, to have that view, we have to believe that they survived the end of the war.

We don't have—we can't prove it. That's why we say we believe it or it's our view, it's our position. What we know is the body of facts about people that were alive, who haven't come back, the continued reports that come in that indicate they could be that are under priority investigation.

So it's not on a basis of—like, for instance, what Mr. Bell was talking about, Bill Bell. He would have been in a position to know intelligence information at the end of the war. We certainly were not. We were being, in fact, misinformed at the end of the war.

Senator SMITH. OK. Here's what I am trying to get at. As basically someone at the time who was critical because you felt that not enough was being done to account for the men, this is prior to your involvement directly, you were critical of the process, as a lot of people were, and that would include Mr. Bell's time on the watch, and it is not necessarily Mr. Bell personally, but just the process, people were not accounted for——

Ms. GRIFFITHS. They weren't being supported in the field, that's for sure.

Senator SMITH. Right. Exactly.

Ms. GRIFFITHS. With the political backing.

Senator SMITH. Right. That is my point. Not to cast any aspersions on those gentlemen at all.

Now, what have you seen—are you satisfied, since you have been involved and you have seen intelligence over the years, are you satisfied that whatever those mistakes were have been corrected in the sense that the way we operate now, we are, in fact, seeking answers?

Ms. GRIFFITHS. I'm never satisfied. I mean, there's always—it's been a constant state of improvement, change, evolution. They have a whole lot of new people being assigned. I know that there are professional people in the positions.

I think we've got a better chance now; in fact, probably the final shot at getting this issue resolved in view of the political circumstances, which is what I think this Committee can help with.

Senator SMITH. I agree and I think we want to try to work together to do that, and what I am saying is—maybe I am not making myself clear. What I am trying to say is if you were building a house and the foundation is—if you want to build a third story or second story and the foundation is sinking, there is not much point in putting the second story on.

We have heard a lot of testimony about adding people, adding layers of people. The question is, are those layers of people weighing down the process or are they helping to resolve the process, and I think that is very important.

Ms. GRIFFITHS. Yes.

Senator SMITH. I mean, numbers of people are not in themselves the answer to this problem. I just want to make sure that whatever the mistakes that you saw, that you felt were made, and something motivated you to get into this thing, as an insider now in the process, do you feel that those things have been corrected and that we are, in a sense, building on a strong foundation rather than a weak one.

Ms. Griffiths. Well, for instance, the new Joint Task Force concept, I think the two-tiered approach has definite advantages, meaning that Bill Bell and his researchers and others that are assigned to the Hanoi office will have a continuing and ongoing investigation on all of the last known alive discrepancy cases.

I think that's positive because it's been kind of in and out, and, of course, the office has only been there such a short time, so I think the two-tiered approach, pursuing those on a continuous basis and constantly feeding back and forth with the Vietnamese and doing that investigation, that's a positive step, as is using field investigations where you have a core discrepancy case, but pick up everything else at the same time.

I think that's going to give us more answers more quickly, even if there's nothing as far as direct results in the field other than information, because so much of that information is leading to the fact that remains were previously picked up if, in fact, a man was dead.

So I'm concerned though, any other layers of bureaucracy are always difficult. I think that the assets and resources that CINCPAC has immediately available can be helpful so long as the knowledge and the direction of what they're trying to do—I mean, without the Bill Bells of this world and Bill Gadoury when it comes to Laos or Colonel Cole when it comes to, you know, the intelligence——

Senator Smith. But those gentlemen or their counterparts before them were there then and nobody——

Ms. Griffiths. No.

Senator Smith. Well, they were there—somebody was there——

Ms. Griffiths. Are you talking about pre-1982 or are you talking about 1982 to 1985 or 1985——

Senator Smith. No, I'm talking about pre-1982. Let me just go back to a statement that George Brooks made of the National League in 1985. "From the very first instance in November of 1977, when information of a live sighting was made available to the DIA and they refused to interview that refugee, although he was less than two hundred miles from the Pentagon, suspicion started to rise about how dedicated our government agencies really were in this matter."

Ms. Griffiths. That's correct.

Senator Smith. Now, obviously I do not want to read the whole statement, but those kinds of things are what obviously motivated many in the League to move forward and to become involved to a larger extent.

Ms. Griffiths. We had an information collection——

Senator Smith. All I want to know is what has changed, what has changed? What has changed in the process now that makes you say that by building more foundations that we are building on solid ground? What do you see differently that is going on today that was not going on in 1975, 1976 or 1977?

Ms. Griffiths. Today what I see going on differently is a greater responsiveness from the Indochinese governments because of political reality and circumstances which now exist. I see many more personnel and resources being devoted to the problem because there is now a need where there wasn't in 1985 and 1986.

Senator SMITH. Excuse me. Let me see if I can just pursue it and bear with me, Mr. Chairman.

In 1973, I believe it was Roger Shields, but I may be wrong, said that everybody was dead. I mean, that was—Senator Kerry mentioned that this morning. Everybody was dead and this was just a few days or a few weeks after the Accords.

That was then the official policy of the U.S. Government. Obviously that upset the families.

Ms. GRIFFITHS. Yes.

Senator SMITH. Therefore the families got involved to a larger extent than they had before and formed the League, indeed, or formed the League even prior to that.

Now we say that the next level up from they are all dead is we are not going to rule out the possibility that. Now, what brought you from that position on this end to the position now that you saw directly in the intelligence?

In other words, the same intelligence that was there 1973, 1974, 1975, 1976, 1977, you cannot change that, whatever they had, they had. We might have added to it or criticized some of it.

Ms. GRIFFITHS. I understand.

Senator SMITH. But the point is it was there. Something happened to cause you to say that that was wrong, that that conclusion was wrong, because you still maintain, as you said here in 1987, there is no disagreement that Americans survived after the war.

Ms. GRIFFITHS. In our view.

Senator SMITH. Right. So what is it that caused—so in other words, the policy was wrong in 1973 to say that they were all dead.

Ms. GRIFFITHS. Right.

Senator SMITH. Somebody said it even though we have testimony today that for the first time that I have heard from those who worked the issue, that, in fact, they did not think they were dead, but Shields said it.

Ms. GRIFFITHS. Chappy James mostly.

Senator SMITH. He was a very high ranking government official.

Ms. GRIFFITHS. Unnamed Pentagon.

Senator SMITH. So something had to cause you now, over the years, to change—to not accept that and to say not only did you not accept it, but that the probability—the possibility exists, that we are not ruling out the possibility, that there are people alive.

Ms. GRIFFITHS. That's the U.S. government position. We go beyond that, but absolutely something changed. The data base in 1973 to 1977, that is what we base our position on, has always been there. The discrepancy cases of men were thought to be alive.

The Chairman (presiding). Has any of that data base been destroyed or altered?

Ms. GRIFFITHS. Not that I'm aware of.

The CHAIRMAN. You still have access to that same data base?

Ms. GRIFFITHS. No, I'm talking about——

The CHAIRMAN. The data base of 1973 to 1977 that suggested to you——

Ms. GRIFFITHS. But the data base I'm talking about, Senator, is the discrepancy cases of people that we know were alive on the ground. I don't go through individual family members' files or individual men's files unless the family asks me to.

Senator SMITH. Just one specific question. Did you have any direct involvement in the Singkapo case?

Ms. GRIFFITHS. The what?

Senator SMITH. Singkapo case.

Ms. GRIFFITHS. General Singkapo?

Senator SMITH. Yes.

Ms. GRIFFITHS. Only urging the Laos to allow U.S. officials, experts, linguists, access to talk with him.

Senator SMITH. He was talked to, as far as you know?

Ms. GRIFFITHS. Yes.

Senator SMITH. What did he do, recant his story?

Ms. GRIFFITHS. I'm sorry?

Senator SMITH. Did he recant his story of seeing Americans?

Ms. GRIFFITHS. I don't know to what extent that information is still classified. You'd have to ask that question of DIA that I assume is coming up after me.

Senator SMITH. What was your involvement in that matter? Just tell me how you were involved in anything to do with that case.

Ms. GRIFFITHS. Asking the Laos to allow the experts access to General Singkapo.

Senator SMITH. In Laos? In other words, you met with the Laos here and asked them to do that in——

Ms. GRIFFITHS. And also in Laos. I mean, Carl Ford and I went on one trip and one of the things we asked the Laos to do was to allow the experts to talk to General Singkapo over what knowledge he might have on the live sight 1985 incident.

Senator SMITH. One of the criticisms, and I do not know if it is a personal criticism of you, one of the criticisms of the League is that the League and the U.S. Government are, in fact, not one and the same thing, but, in fact, under your hat are.

Now, when you go to interview the Laos or talk with the Laos about interviewing General Singkapo regarding an alleged sighting of an American, do you go as the League of Families or do you go as the U.S. government?

Ms. GRIFFITHS. I go as a family member who is a member of the IAG and it depends on the trip. I took a trip to Laos this past August and I went as the League Executive Director, not a member of the IAG, although it certainly was with the knowledge that I was IAG.

Senator SMITH. I know you are compensated by the League. Are you also compensated by the U.S. government?

Ms. GRIFFITHS. No.

Senator SMITH. No compensation from the U.S. government at all?

Ms. GRIFFITHS. No. In fact, I even have to pay for my meals when I'm on the plane with General Vessey. Now, I don't have to pay for part of the gasoline to fly the plane, but I have to pay for my own meals.

Senator SMITH. Thank you.

Ms. GRIFFITHS. But, Senator, to follow up on the—there are different trips that—when I go with General Vessey, obviously I'm going as a member of the IAG, but representing the views of the families as a member of the IAG.

I would also like to clarify that the access to information is basically because I'm a principal member of the IAG. That's what has always been the basis, but to represent the views of the families as far as what we feel needs to be done to get this issue resolved as quickly and rapidly as we can.

Also, I never—I do not have like the classified information in my office. I read at State or read at Defense or read wherever, because I don't have what they title that secure holding facility.

The CHAIRMAN. Gentlemen, what I would like to try to do, unless there are questions, we clearly have areas that we could continue with Ms. Griffiths. This is not meant to be exhaustive of our opportunities to talk with her obviously, and I know she is going to be available and working with us closely.

So unless there are questions that people think we ought to go, we have another part of this panel and I do want to be able to give sufficient time today because they have waited almost 24 hours now as our DIA folk.

Is there any objection to that? Senator Grassley, are you satisfied? Senator, is that all right with you if we move on?

Senator GRASSLEY. Yes.

Ms. GRIFFITHS. Can I just say that I did want to say that I appreciated what you had to say, Senator Smith, in your opening statement, and I did read them all, and the appeal for everybody to try to work together and not have recriminations about past things and I think that's a good way to pursue this, and the Committee—and I welcome whatever you find.

I just hope that it moves—serves to move forward getting the results we're looking for, and that's the principal measure of effectiveness. I was prompted when Senator McCain was mentioning the memo, which I will dig out the research and find out more about it, but who was it—it may have been Senator Dole or Senator Danforth in the Gates Confirmation Hearing, said, "If you've never made any mistakes or you haven't written anything or you haven't taken any risks, then you don't count for much and you're not worth having," and I think we all make mistakes.

The CHAIRMAN. Ms. Griffiths, let me just say to you that I appreciate that and obviously we all do. Every one of us sitting up here can point to a hundred of them, probably a hundred a week, but the key here, and I want to keep emphasizing it, is that the Committee has to do as much of this as openly as we can. We have made that promise and we must.

Number two, if everybody is forthcoming here, I do not think you have seen any Senators jumping down anybody's throat, I do not think anybody is going to sit here and try to say, "You guys made a terrible judgment." I mean, things will stand as they stand, the record will be the record.

The important point is to have a record that does speak for itself and to have a record that is clearly intelligible and where people say, "This Committee asked all the questions, got the information, was not denied," and so forth.

Now, already in the first 2 days, we have had inquiry that has never taken place before this. I mean, for all the years of inquiry, nobody has ever talked to the people who were on the ground, nobody has ever—we have just begun to scratch that surface, but I said that this will be different. I think it already is different and we are going to continue to make it different, and the key is not to hold back because somebody says, "I do not want the Committee to be able to say a mistake was made ten years ago."

Ms. GRIFFITHS. No.

The CHAIRMAN. Mistakes were made 10 years ago. We all know it.

Ms. GRIFFITHS. We sure do.

The CHAIRMAN. And the key now is to just readily admit them, and I am confident that if we do that, we are going to help the Vietnamese to understand our own seriousness here and the Laos and so forth, and that will help to enhance this process.

Ms. GRIFFITHS. Well, there are three requests I would make that I know you've already requested, and that is—in fact, my Board has voted, to request public release of the Tighe report, public release of the roadmap and public release of the inquiry on Colonel Peck.

The CHAIRMAN. We absolutely intend to do that. Let me just say to you, Senator Smith and I have met with General Tighe, that General Tighe has agreed to come and testify. He is not here this week simply because he is not well, as people know, and it just is not possible this week, but he will be coming, and there is no player in this who will not either be deposed or interviewed or serve as a witness over the course of this time.

So all the names from Garwood to Hendon to whomsoever, whoever is not in this, they are going to be inquired of or there is no way this Committee can ultimately pretend that we have exhausted the possibilities.

Ms. GRIFFITHS. I think that's good. I wish you luck.

The CHAIRMAN. Thank you; appreciate it. We thank you very, very much; appreciate it.

[Witnesses sworn.]

STATEMENT OF PATRICIA ANN O'GRADY, PH.D.

Dr. O'GRADY. My name is Patricia O'Grady. I'm the daughter of Dr. Richard O'Grady who was captured in 1967. I would request that since I was required to make only a 5-minute statement, that additional information could be submitted into the record.

The CHAIRMAN. Whatever additional information you have will be placed in the record as if placed in during your full testimony.

Dr. O'GRADY. Thank you, Senator.

The CHAIRMAN. And if you want to introduce any of that in any way, we certainly want you to be able to explain it.

Dr. O'GRADY. Thank you, Mr. Chairman and Committee Members.

I testify before you today on behalf of my father, Col. John O'Grady, who is finally known to have been captured alive. This information could have been obtained many years ago. But after 24 years, I can finally tell you how many cigarettes were in his pack and I can also tell you where his actual captors live today.

Yet this information was not released to me directly or readily. This information was only released to me accidentally, despite contradictory testimony that you have heard, I can document fully that every claim made by Senator Helms and Colonel Peck is absolutely true. Do you care? You still give the families only 5 minutes to bear the burden of providing to yet another Committee that these men are alive while the Department of Defense works overtime "proving" that they are dead.

In June 1990 the Vietnamese filed a report that stated that Colonel O'Grady had been shot down and "buried." I still do not have a copy of that report. However it was widely circulated without my knowledge throughout U.S. Government agencies. This burial information was reported as fact by our Government even though nobody ever bothered to contact the original source. This information was reported as fact even though a search of the alleged burial site revealed that, and I quote the JCRC report, "No burial had ever taken place there."

This false burial report was used to reclassify my father as one of the 31 discrepancy cases that General Vessey referred to in hearings before the Congress on July 17, 1991 as KIA/BNR, fates resolved. Resolved, Senators, based upon an uncorroborated statement made by a Vietnamese official. Are these men so unimportant? Is our Government so inherently dishonest that you no longer require any real evidence to resolve a case?

JCRC does not even have to scrape together a few pig bones or human fragments or pieces of tooth anymore. They can simply find some pitiful family member willing to bury fraudulent remains or they can simply report that O'Grady was "buried." Why waste the taxpayers money or give the families any false hope that you really seek the truth? Why not just the Vietnamese a list of resolved cases for them to initial?

Why not? Because our POW's will not die so conveniently. My father's case was closed officially for 7 months. Then unexpectedly the first-hand source of the burial report contacted the JCRC team and volunteered that his report had been based exclusively on hearsay. Then he volunteered the names of the men who actually captured my father.

The actual captors, Senators, were not Vietnamese. They were members of a small ethnic faction who live in a remote mountainous region outside of official Vietnamese control. The evidence in the document that I have comprehensively analyzed for you and submitted for the record asserts that my father was never transferred to Vietnamese control. Two additional eyewitnesses confirmed that he was not turned over to the Vietnamese the next day and that the reports of his death and burial were based on village gossip.

The Vietnamese subsequently promised a witness and I.D. card that would somehow document their burial claim. But nothing was produced. Why? Because they don't have it. They lied because we do not encourage them to tell the truth or to return live Americans; only to account for dead ones.

We continue to encourage the Vietnamese by our policies and practices of long standing to provide false information that proves them dead. The Vietnamese changed their report after the new information from my father's captives. They got this information because we invited them to interview the captors with us. No U.S. official has ever spoken to these individuals without the Vietnamese present.

My Government jeopardized my father's recovery by providing the Vietnamese direct access to its ethnic captors and by providing them access to highly sensitive information. Do you think they might fear retaliation?

The Vietnamese did not know where my father was until we took them to find out. Do you think this group would be willing to admit in the presence of the Vietnamese they never turned this pilot over? If these individuals had ever been contacted without the Vietnamese present, he might have been recovered.

I would like the same privilege, Senators, as the Vietnamese. I would like to speak to my father's captors without the interference of the Vietnamese. But no one will give me the names of my father's captors. If the Vietnamese are free to contact them, why can't I?

At Ban Ha Noong, my father was probably transferred to one of 9 known Laotian POW camps in the area. He may be one of the Americans that is held in wild, remote, mountainous areas outside of Vietnamese control. The Vietnamese have gone on the record admitting that such men may be held outside of their control in such areas on numerous occasions. But I may never know because the "cooperative Vietnamese" have denied Americans any further access to this area. They ordered the American team to leave the area and stopped the Americans from attending the joint final exit interview.

Still the charade continues. Fingerprints and dental records disappeared. Journalists are attacked. Legitimate pictures are discredited. Still you work feverishly to normalize relations and lift the trade embargoes so that AT&T can conduct business.

Let the epitaph of our POW's read betrayed for 30 pieces of silver.

You hide behind us proclaiming that you will normalize "so we can get access." You could give me access today. But you won't. You will just continue to account for POW's like dollars and cents, manipulating figures.

Hundreds of families have stories just like mine. Yet there is not enough time for each of them to come forward and speak. Even when we appear before you, we must prove our loved ones are alive by a standard not required of the U.S. Government to prove them dead.

There are numerous actions that you could take to stop this fraud and deceit. But it seems that you are more interested in pork rinds and oil interests. If you don't care, we do. The day the trade embargo is lifted and normalization occurs is the day that you will see tens of thousands of families and veterans and citizens who want honest recovery of our men, marching through the halls of Congress and in every city and town. Our POW's depend on it.

Thank you, Senators.

[The prepared statement of Dr. O'Grady follows:]

PREPARED STATEMENT OF PATRICIA ANN O'GRADY, PH.D

Mr. Chairman and Committee Members, I testify today for my father who is FINALLY KNOWN to have been captured ALIVE. This information COULD have been obtained many years ago! After 24 years, I can tell you where his ACTUAL CAPTORS live today.

Yet, this information was only released accidentally. Despite contradictory testimony, I can chronicle extensive dishonesty and concealment and document that every claim made by General Tighe and Colonel Peck is absolutely TRUE!

Do you care? You still give the families only 5 minutes to bear the burden of proving to yet another Congressional Committee that these men are alive, while the Department of Defense works overtime "proving" that they are dead.

In June, 1990, the Vietnamese filed a report that stated that O'Grady had been shot down and "buried". I still do not have a copy (JCRC Liaison 1304392), but it was circulated throughout U.S. government agencies. This "burial" information was reported as fact even though nobody bothered to contact the original source. This information was reported as fact even though a search of the alleged "burial" site revealed that "no burial had ever taken place" there.

This false "burial" report was used to re-classify my father as one of the 31 discrepancy cases that General Vessey referred to as KIA/BNR "fates resolved" [but further effort is required to recover remains] (Prepared Testimony, House Subcommittee on Asian and Pacific Affairs, July 17, 1991).

"Resolved"—based on an uncorroborated statement made by a Vietnamese official. Are these men so unimportant, is our government so inherently dishonest that we no longer require ANY real evidence to "resolve" a case? JCRC does not even have to scrape together a few pig bones or tooth fragments anymore. They can simply find some pitiful family member willing to bury fraudulent remains. Or they can simply "report" that O'Grady was "buried". Why waste the taxpayers money or give the families any "false hope" that you really seek the truth? Why not just send the Vietnamese a list of "resolved" cases for them to initial?

Why not? Because OUR POW's WILL NOT "DIE" SO CONVENIENTLY!

My father's case was closed for seven (7) months. Then unexpectedly, the first-hand source of the "burial" report volunteered that his report had been based exclusively on HEARSAY. Then, he volunteered the names of the actual CAPTORS!

The actual captors were NOT Vietnamese. They were members of a small, ethnic faction who live in a remote, mountainous area outside of official Vietnamese control. The evidence asserts that my father was NEVER transferred to Vietnamese control, 2 eye-witnesses confirmed that he was NOT turned over to the Vietnamese and that the "reports" of his "death and burial" were based on village gossip. The Vietnamese subsequently promised a witness and an ID card that would somehow document their "burial" claim. But, nothing was produced. Why? Because they don't have it! They lied because we do not encourage them to tell the truth or to return live Americans, only to "account" for dead ones. We continue to encourage the Vietnamese to provide FALSE information that "proves" them dead.

The Vietnamese changed their report after they got "new" information from the captors. They got this information because we invited them to interview the captors with us. No U.S. official has ever spoken to these individuals without the Vietnamese present!

My government jeopardized my father's recovery by providing the Vietnamese direct access to his ethnic captors and to highly sensitive information. The Vietnamese did not know where my father was until we took them to find out!

Do you think that this group would be willing to admit, in the presence of the Vietnamese, that they never turned this pilot over? Do you think that they might fear retaliation? If these individuals had ever been contacted WITHOUT the Vietnamese present, he might have been recovered.

I would like the same privilege as the Vietnamese. I would like to speak to my father's captors WITHOUT the interference of the Vietnamese. But, no one will give me the names of my father's captors. If the Vietnamese are free to contact them, why can't I?

At Ban Ha Noong, my father was probably transferred to one of 9 known Laotian POW camps in the area. He may be one of the Americans that is "held in wild, remote mountainous areas outside of our [Vietnamese] control".

I may never know because the "cooperative" Vietnamese have denied Americans any further access to this area, they ordered the American team to leave the area and stopped the Americans from attending the "joint" final exit interview.

Still the charade continues! Fingerprints and dental records disappear, journalists are attacked, legitimate pictures are discredited. Still you work feverishly to normalize relations so that AT&T can conduct business. LET THE EPITAPH OF OUR POW'S READ: BETRAYED FOR THIRTY PIECES OF SILVER!

You hide behind us proclaiming that you will normalize "so we can get access". Don't lie! You could give ME access today, but you won't, You will just continue to "account" for POW's like dollars and cents—manipulating figures.

Hundreds of families have stories just like mine. Yet, there is never "time" for each of them to come forward and speak. Even when we appear before you we must prove them alive by a standard not required of the government to prove them dead.

There are numerous actions that you could take to stop this fraud and deceit. But, it seems you are more interested in pork rinds and oil interests. If you don't care, we do! The day the trade embargo is lifted and normalization occurs is the day that you will see tens of thousands of us marching through the halls of Congress and in every city and town! The POW's are depending on it.

The CHAIRMAN. Thank you very much.

Let me just ask you now, do you have, I do not know where this 5 minutes came from and I apologize for whatever that—nobody has been given only that and I do not want you to feel shortchanged. So if you have any further time, I want to make sure that you exercise it because there was no effort that I know, no conscious decision here to have a lesser time.

Dr. O'GRADY. Senator, I appreciate that. And if I had been made aware of that ahead of time I would have provided a much more detailed.

The CHAIRMAN. That is OK. We will get into it in questions. We are going to give you all the time you need to tell this story.

Dr. O'GRADY. Essentially I did. I simply would have provided more detail relative to the actual case that I have presented regarding my father.

The CHAIRMAN. We will be asking you about it and we will give you that opportunity fully. Mr. Apodaca?

STATEMENT OF ROBERT A. APODACA, CAPTAIN, U.S. AIR FORCE

Mr. APODACA. Yes, sir. My name is Robert Anthony Apodaca. I'm the son of Maj. Victor Joe Apodaca, Jr., who was shot down on June 8, 1967 over North Vietnam.

I would like to provide you a corrected copy of my written testimony and request that it be entered into the record.

The CHAIRMAN. It will be entered into the record.

And, likewise, I want you to know there is no pressure here.

Mr. APODACA. I would like to go ahead and read my written testimony to you now.

Mr. Chairman and Members of the Committee, I thank you for this opportunity to testify before your Committee. I would also like to thank my chain of command for allowing me to take time off to appear here today.

Prior to beginning my testimony, I would like to emphatically state that any opinions expressed by me today are my own and do not necessarily reflect the U.S. Air Force or Department of Defense policy. My testimony today will be centered primarily around my father's case and my personal interaction with the various Government agencies concerning this case.

To start off I would like to include as background information a copy of what the Joint Casualty Resolution Center, the JCRC, calls the narrative of my father's case. It is included as attachment No. 1 to my testimony.

I had been notified by the Air Force Casualty Affairs Office that this narrative has been provided to the Vietnamese on at least three occasions, 1 November 1986, 4 August 1987, and 25 January 1988. To provide a little more background my mother was a member of the National League of Families many years ago but is no longer active in the issue and has remarried.

When she remarried that made my older brother the primary next of kin and it made me the secondary next of kin. I might add my brother has given me authority to speak on his behalf on this issue.

It wasn't until 1984 that I started becoming more actively involved in the issue, always yearning to find answers to a list of questions that kept on growing each time I learned something. In order to prepare for this hearing I reviewed a copy of all the records the Air Force Casualty Affairs Office has on file in my father's case. It was provided to me in micro-fiche form.

In reviewing these documents the information can be grouped into about three areas, letters and documents dealing with when my father was shot down in 1967, letters and documents changing his status to presumed killed in action in 1973, and in correspondence between family members and the Casualty Affairs Office requesting more information.

This last group is the largest, but it really doesn't start until the mid-1980's when family members found out they could begin requesting more information.

In looking at the structure that is available to family members to work with the Government it is organized so that each branch of military service has its own Casualty Affairs Office which takes care of its own people.

In my particular experience with the Air Force Casualty Affairs Office, they responded to all my requests fairly quickly. This can be seen in the third group of information that is documented on microfiche and previously mentioned. But I have seen the problem where the Casualty Affairs Office is at the mercy of all the other agencies involved, such as the JCRC, the DIA, the FBI, et cetera.

Since the Casualty Affairs Office is just a focal point for the family members, they are dependent on these other agencies for the information which is then passed on to the family members. To be specific, in one instance I made a request for information and received it in the mail in 2 days. Yet in another instance it took 3 months to receive the information that was requested as the other agencies were slow to respond to the Casualty Affairs Office.

An example of how this affects the Casualty Affairs Office and the family members follows. After receiving notification from the JCRC, the Casualty Affairs Office notified me on 27 April 1989 that the Vietnamese for the second time were returning my father's remains. His alleged remains were in box number 19 out of 21 remains repatriated. According to the Casualty Affairs Office documentation they had not received any official follow-up report from JCRC or CILHI as of 1 August 1989.

Well, as of today, 923 days later, I still haven't received any official word on this alleged set of remains. And I don't think the Casualty Affairs Office has either.

Who should be the watchdog for this? Should I have to call every day to ask if there is any new information?

I would like to clarify the above example. It insinuates that the Casualty Affairs Office is responsible to provide the follow-up report. I have since learned that it was the Mortuary Affairs Department of the Air Force that was responsible to provide the follow-up information on remains.

But the problem remains the same. I still haven't been contacted.

I feel, though, that I'm one of the lucky ones. I've heard from family members whose loved ones are in other branches of the military services that the Air Force has the best Casualty Affairs Office. The other military branches rotate officers in and out every few years. When you're only spending from 1 to 3 years in a job, you use 75 percent of your time learning the job and becoming familiar with the cases and the family members and you don't really have any background knowledge of history on how an individual case has progressed.

For the Air Force, the Casualty Affairs Office has had responsible individuals who have been there for many years keeping the corporate knowledge available in the office to serve the family members.

I've also made information requests from the Defense Intelligence Agency's special office for prisoners of war and missing in action. And they've reacted quickly each time. I visited their office several times and have had the opportunity to meet with Col. Joe Schlater, Col. Millard Peck, and Robert Sheetz. I was treated with courtesy and respect. Even though I dropped in at the last minute, I was still seen by the branch chief. I do perceive that that office was extremely overworked, having to perform many tasks other than a function of primary intelligence analysis.

I've also seen their working conditions, too many people in too small an area. In the short time I've worked with them it seems to be that the DIA should not be the focal point for the POW/MIA issue. Instead a management branch should be created that the JCRC, CILHI, DIA, Casualty Affairs Offices, et cetera would report to. This would allow the DIA to get back to its primary function of analyzing intelligence information. And it would also provide a branch that could coordinate all the efforts on the POW/MIA issue, being the focal point that Congress or whoever could turn to. It could also serve as the watchdog to ensure that leads are followed up on, preventing those reports that take over 900 days to get out.

Turning toward the issue of normalization, I feel that we have something Vietnam wants. And if we give it to them too quickly we will not have any recourse on resolving the POW/MIA issue. I've listened to Vietnam make promises before and I've seen them break those promises. Until they earn my trust again, I personally would not give them anything until I received something concrete from them.

The U.S. Government should not react too hastily on this, despite whatever Vietnam or greedy corporations want.

The last topic I wish to address is the stickiest one for me. I would like to restate that any opinions expressed by me today are my own and do not necessarily reflect U.S. Air Force or Department of Defense policy.

I would like to talk about the words "highest national priority." I've heard these words used to describe the POW/MIA issue. But I personally haven't seen the action behind them. Earlier this year I was actively involved in a highest national priority, Operation Desert Storm. I participated in it every day. I saw it on television every day. I read about it in the newspapers every day. So did every other American. You could not help but be involved in Operation Desert Storm, a highest national priority.

I don't know if this is a good comparison, but if the POW/MIA issue has the highest national priority why are hundreds of remains still in Vietnam today? Why are agencies allowed to not follow through on reports? Why can't we find the fingerprint records for almost 25 percent of those still missing? And why can't we find the identity of three people in a picture?

Let's be realistic. I would not be so upset if the Government had called this a "high national priority." But they didn't. For years it has been the "highest national priority." And for years I've wondered.

In conclusion, I would like to remind this Committee that this testimony deals with my personal involvement in my father's case in the recent past. I was too young to be actively involved in the beginning of this issue and was not subjected to the official lies that other families still clearly remember. While I feel in most instances my father's case has been handled in a reasonable manner, there are many families out there who cannot say the same.

What kind of proof will it take for the Government to react? How fresh does the trail need to be? We need to change our policy from a reactive one to a proactive one.

Thank you, Mr. Chairman, for the opportunity to testify before this Committee.

[The prepared statement of Mr. Apodaca follows:]

PREPARED STATEMENT OF ROBERT A. APODACA

Mr. Chairman, Members of the Committee, I thank you for this opportunity to testify before your Committee and I would also like to thank my Chain of Command for allowing me to take time off to appear here today. Prior to beginning my testimony, I would like to emphatically state that any opinions expressed by me today are my own, and do not necessarily reflect U.S. Air Force or Department of Defense Policy. My testimony today will be centered primarily around my father's case, and my personal interaction with the various government agencies concerning this case.

To start off, I would like to include as background information a copy of what the Joint Casualty Resolution Center (JCRC) calls the "NARRATIVE" of my father's case. It is included as attachment 1. I have been notified by the Air Force Casualty Affairs Office that this narrative has been provided to the Vietnamese on at least 3 occasions: 1 Nov 1986, 4 Aug 1987, and 25 Jan 1988. To provide more background, my mother was a member of the National League of Families many years ago but is no longer active in the issue and has remarried. When she remarried, that made my older brother the Primary Next Of Kin and it made me the Secondary Next Of Kin. It wasn't until 1984 that I started becoming more actively involved in this issue, always yearning to find answers to a list of questions that kept on growing each time I learned something.

In order to prepare for this hearing, I reviewed a copy of all the records the Air Force Casualty Affairs Office has on file for my father's case (provided to me in microfiche form). In reviewing these documents, the information can be grouped into three areas: 1) letters and documents dealing with when my father was shot down in 1967, 2) letters and documents changing his status to Presumed Killed In

Action in 1973, and 3) correspondence between family members and the Casualty Affairs Office requesting information. The last group is the largest but doesn't start until 1986 when family members found out they could request more information.

In looking at the structure that is available to Family members to work with the government, it is organized so each branch of military service has its own Casualty Affairs Office, which takes care of its own people. In my particular experience with the Air Force Casualty Affairs Office, they have responded to all my requests fairly quickly. This can be seen in the third group of information that is documented on the microfiche previously mentioned. I have seen a problem where the Casualty Affairs Office is at the mercy of all the other agencies involved, such as the JCRC, DIA, FBI, etc. Since the Casualty Affairs Office is just a focal point for the Family Members, they are dependent on these other agencies for the information which is then passed on to the Family Members. To be specific, in one instance I made a request for information and received it in the mail in 2 days, yet in another instance it took 3 months to receive the information that was requested, as the other agencies were slow to respond to the Casualty Affairs Office. An example of how this affects the Casualty Affairs Office and the Family Members follows.

After receiving notification from the JCRC, the Casualty Affairs Office notified me on 27 Apr 1989 that the Vietnamese, for the second time, were returning my fathers remains. His alleged remains were in box #19 out of 21 remains repatriated. According to the Casualty Affairs Office documentation, they had not received any official follow-up report from JCRC or CILHI as of 1 Aug 1989. Well, as of today, 923 days later, I still haven't received any official word on this alleged set of remains and I don't think the Casualty Affairs Office has either. Who should be the watchdog for this? Should I have to call everyday to ask if there is any new information? I would like to clarify the above example. It insinuates that Casualty Affairs is responsible to provide the follow-up report. I have since learned that the Mortuary Affairs department of the Air Force is responsible to provide the follow-up information on remains. But the problem remains the same, I still haven't been contacted.

I feel though, that I am one of the lucky ones. I have heard from family members whose loved ones are in other branches of the military services that the Air Force has the best Casualty Affairs Office. The other military branches rotate officers in and out every few years. When you are only spending from 1 to 3 years in a job, you use 75 percent of the time learning the job and becoming familiar with the cases and the family members, and you don't really have any background knowledge or history of how an individual case has progressed. For the Air Force, the Casualty Affairs Office has had responsible individuals who have been there for many years, keeping the corporate knowledge available in the office to serve the family members.

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Turning toward the issue of Normalization; I feel we have something Vietnam wants, and if we give it to them too quickly, we will not have any recourse on resolving the POW/MIA issue. I have listened to Vietnam make promises before, and I have seen them break those promises. Until they earn my trust again, I personally would not give them anything until I received something concrete from them. The U.S. Government should not react too hastily on this, despite whatever Vietnam or greedy corporations want.

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POW/MIA issue, but I personally haven't seen the action behind them. Earlier this year, I was actively involved in a "Highest National Priority", Operation Desert Storm. I participated in it everyday, I saw it on television everyday, I read about it in the newspapers everyday. So did every other American. You could not help but be involved in Operation Desert Storm, a Highest National Priority. I do not know if this is a good comparison, but if the POW/MIA issue has the highest national priority, why are hundreds of remains still in Vietnam today, why are agencies allowed to not follow through on reports, why can't we find the fingerprint records for almost 25 percent of those missing, and why can't we find the identity of 3 people in a picture? Lets be realistic. I would not be so upset if the government had called this a "High National Priority", but they didn't. For years it's been the "Highest National Priority" and for years I've wondered.

In conclusion, I would like to remind this Committee that this testimony deals with my personal involvement in my father's case in the recent past. I was too young to be actively involved in the beginning of this issue and was not subjected to the "Official Lies" that other families still clearly remember. While I feel in most instances my fathers case has been handled in a reasonable manner, there are many families who cannot say the same. What kind of proof will it take for the Government to react? How fresh does the trail need to be? We need to change our policy from a reactive one to a proactive one. Thank you Mr. Chairman for the opportunity to testify before this Committee.

JOINT CASUALTY RESOLUTION CENTER

NAS Barbers Point, Hawaii 96862

CASE 0727-0-01 AND 02

NARRATIVE

On 8 June 1967, Captain Victor J. Apodaca, Junior, and First Lieutenant Jon T. Busch were crew members aboard an F-4C fighter in a flight of 2 aircraft. The aircraft, serial number 63-7425, was hit by antiaircraft fire and disappeared in the vicinity of grid coordinates XE343517, near the southern edge of Dong Nghen village, Binh Tri Thien (formerly Quang Binh) Province, Vietnam. During his last radio contact, Captain Apodaca reported his aircraft was at an altitude of 4,800 meters and heading east northeast. Shortly thereafter, the other members of the flight heard weak electronic beacon signals for approximately 20 seconds. They could not pinpoint the source of the signals. Search and rescue units, forced from the area by intense ground fire, were unable to establish contact with the missing crew members. A former People's Army of Vietnam soldier, who witnessed the occurrence, has said that one of the crewmen parachuted from the aircraft, was captured, and was killed by the local militia from Chanh Hoa II Hamlet. This hamlet is approximately 11 kilometers south southeast of Thanh Yen at grid coordinates XE638392, Binh Tri Thien Province.

Pertinent data are as follows:

NAME: Apodaca, Victor Joe, Junior
RANK: Captain, U.S. Air Force
DATE OF BIRTH: 31 May 1937
RACE: Caucasian
HEIGHT: 1.78 meters
WEIGHT: 88.3 kilograms

The **Chairman**. Thank you very much, both of you, for your testimony.

Let me try and clarify just one comment that you made, Dr. O'Grady. This is, as I have said, a framework. This is 3 days during which everybody who has some role to play here is going to kind of lay out the parameters, if you will, of their case, and so indeed, you are representative of hundreds of families, and I do not want anybody to think that all you are going to be able to say to us or that we are going to listen to, must be dealt with during these first 3 days.

We have one person designated on this staff who is going to be a liaison to you, to the families, but every member of the staff is prepared to receive any evidence whatsoever from anybody, and that is the purpose of the Committee, and I think you will find us reaching out to you, and very, very open to all testimony, and so indeed these 3 days are going by like a blur, and I find myself with hundreds of questions that I do not have time to ask, but that is the purpose of it, to set the framework, and I hope you understand that. I do not want any family to believe that their testimony is not going to be heard or welcomed. All of it is.

Now, a second thing that I would say is that we are necessarily dependent on the kind of information that you provide us, and so we are going to go into some detail, not all of it today, but over the course of the next days.

Now, you mentioned in your testimony that no one would give you the names of these people. Have you asked for these names?

Dr. O'Grady. Yes, Senator, I have.

The Chairman. Who have you asked? I might add also, incidentally, tomorrow, or as soon as we have time—and I hope it will be tomorrow—the administration is going to respond to many of these complaints and comments that are made, and so we intend to get action on this kind of thing right away.

Dr. O'Grady. After the report was finally released to me—one of the reports generated by JCRC in this matter was released to me, I thoroughly analyzed the information that was provided to me and I generated a letter to the Casualty Affairs Office requesting great detailed information that would further clarify this—my father's case.

One of those requests was specifically for the name of the captors. In the original document the name of the captors are sanitized. However, I do have their political affiliations both during the course of the way and currently. I also know exactly which hamlets they live in. I do not think it would be very difficult for me, if I went to Vietnam, to find those individuals, particularly since they were very forthcoming and reportedly very accommodating, very cooperative, and very anxious to talk to U.S. Government team members regarding my father's case.

However, the actual names are still—have not been provided to me despite August 23 request.

The Chairman. Is that the only request you made?

Dr. O'Grady. I made a number of verbal requests by telephone.

The Chairman. Who have you requested?

Dr. O'Grady. We are directed to make contact through the Casualty Affairs Office, Mr. Atkinson and Mr. Frampton. That is who I directed my request to. I was told it would have to be forwarded to JCRC for response. This morning, as I walked into the hearing room, I received a document from Mr. — or a packet of documents from Mr. Atkinson that have been provided to him by JCRC. I haven't had time to review them, but my brief cursory review suggests that the captors names have still not been provided.

The Chairman. You mentioned also that records have disappeared.

Dr. O'Grady. I believe I said the record had been changed. I can speak to records disappearing in my father's case and other cases, not so much disappearing but being purged from files, but I think the statement was that information had been changed subsequent to the Vietnamese participation in the interviews with my father's captors. Is that what you're referring to?

The CHAIRMAN. No. I thought I'd written down a note as you said that records disappear, and I had a question mark. I thought you had mentioned that records had disappeared.

Dr. O'GRADY. I think I generically suggested that. Fingerprints have disappeared. Let me find my exact reference.

The CHAIRMAN. Well, let me ask you——

Dr. O'GRADY. Fingerprints and dental records, Senator.

The CHAIRMAN. Do you think these things have disappeared as a matter of a willful intent to deny you access to this, to cover up something, or do you think they have disappeared because of a kind of bureaucratic bungling process?

Dr. O'GRADY. Senator, I have had to do a lot of soul-searching to come to terms with whether or not I could believe that everything my father fought for and was lost for has been denigrated by the belief that this is willful and intentional, and for a very long time I tried to convince myself it was unintentional and it was a matter of incompetency, of ignorance, and failure to follow through, and lack of resources and lack of money and lack of analytical and professional skill.

I have come to the conclusion after 24 years and hundreds of hours of research much to my great distress, because my children have to live in this country, that it is willful and it is intentional, and I could give you specific examples as to what I base that conclusion on.

The CHAIRMAN. We would like you to share those with us.

Dr. O'GRADY. One that comes to mind again, and there are others as well, but one that comes immediately to mind is a case of a number of family members who were provided with pieces of teeth, or particles of teeth, as indication that their person had died and as identification, formal identification.

When they went back to see if they could compare dental records to those teeth with independent forensic anthropologists involved, it was found the dental records could not be located. This was not just in the most recent future, but dates back with family members I have spoken to as far back as 1985.

The National League of Families at one time called for all family members to provide the dental records that they had on file to the National League of Families so they could be maintained, and now those records, either within Government files or within the National League of Families, cannot be found. It is too many disappearing. Too much information can't be found, can't be located.

The CHAIRMAN. Were the dental records as a group provided and brought together?

Dr. O'GRADY. Many family members did tell me when I was a member of the National League of Families board of directors that yes, they had. Sometimes they were only copies of dental records.

The CHAIRMAN. They were provided to the League, but you're saying they're not there with the League any more, is that what you're saying?

Dr. O'Grady. That is my understanding, and also not available through other courses.

The Chairman. I've exhausted my time. Let me come back in another round. Senator Smith.

Senator Smith. Thank you, Mr. Chairman. Obviously, there isn't anything this Committee or any other human being could do to make right any wrongs that you have had to deal with over the past 20-odd years, but I think there is one thing that we can do, and that is to—No. 1, to see that it doesn't happen again to anybody else, and No. 2, to try to put together some type of a process, a policy, so that whatever information is there about your father, that it be provided to you, and I can give you my personal assurance that that will be done if I have anything to say about it, speaking for myself. But that does not undo what has happened.

I just want to ask a couple of questions. First of all, to you, Dr. O'Grady, on the record, the initial report that your mother received was what, that your father was killed or captured?

Dr. O'Grady. The original report we received in 1967, my father was—very minimal information was provided to us at that time. We were led to believe both in all verbal contacts and all written communications that my father had died.

Senator Smith. That was communicated to you from the casualty officer, that your father was killed?

Dr. O'Grady. Yes, that is correct. However, I discovered—in 1985 I began my own research—that what we had not been told is that my father had been originally categorized as a category 2, that there are categories—and I believe, Senator Kerry, you asked about databases and baselines, and as a researcher and a professor I always believe you cannot answer any question unless you establish a working hypothesis based upon some baseline information, and the baseline information that was very helpful to me in my case is the fact that he was categorized as a category 1. That means, suspected to have been captured. But this information was not discovered until 1985 by my independent research.

Senator Smith. Excuse me for interrupting, but were you subsequently told at any time by anybody in the U.S. Government, the casualty office or any place else, that your father was subsequently captured, that they were wrong? Were you ever told that he was captured?

Dr. O'Grady. No. The first time I have ever known my father to have been known to have been captured alive, although I greatly suspected it based on my own research, was in August 1991.

Senator Smith. Does the Government concur with your findings that he was captured or do they dispute that?

Dr. O'Grady. The Government provided the information that confirmed his capture to me.

Senator Smith. In a letter, first of all regarding the search and rescue missions—and I will stand corrected if I'm wrong, and maybe somebody can refresh me, but I believe that General Vessey testified that in fact some of those records were destroyed, and I don't recall what reason he gave, whether it was inadvertent or direct, I don't know. The record should stand on that. But that may answer some of the—or at least one of the concerns that you raise.

But in a letter—and I want to follow that up at some point, not in the testimony here, but to look into what happened there. In a letter you wrote to me on April 20, 1988, you mentioned aside from the search and rescue debriefings which you said, which you mentioned—you also mentioned a couple of things which I would like to know if subsequent to that letter to me have ever been followed up with.

You mention, No. 1, that former POW John Drumisi, his debriefing, is likely to have knowledge of your dad. Did anybody ever provide you with that briefing, debriefing, or put you in touch with John Drumisi?

Dr. O'Grady. No, Senator, no one did.

Senator Smith. Did you ask for that information?

Dr. O'Grady. Yes. I asked for that information on numerous occasions. I even broadened my request to include all POW debriefings of the men known to have been captured alive within 10,000 meters of my father, and I provided the names of those particular individuals. I also asked for any homecoming egress reports, which continue to be classified, that might have mentioned my father in captivity, and other documents related to that, yes. But I have never been provided any of that.

Senator Smith. You requested it but were never provided it?

Dr. O'Grady. That is correct.

Senator Smith. Was the reason for the denial given?

Dr. O'Grady. I was told the homecoming egress reports are still classified information. I was told all POW debriefing reports are still classified information. I was told the search and rescue report in my father's case were classified information, and I could not even be provided the names of the members—or the other pilots on his mission when he was lost.

Senator Smith. This is very important to me, so please try to recall if you can, and if you can't, then get it for the record. Obviously, as John McCain well knows, the POW's came home in 1973. They were debriefed soon after that. John Drumisi was obviously one of those people debriefed.

How soon after John Drumisi's debriefing were you told, or did you know before that, or if not, how soon after that were you told that your father, based upon some comments that Drumisi had made, may be alive, and may, indeed, have been captured?

Dr. O'Grady. Senator, I was never told by any U.S. Government agency or individual that my father was ever alive, and when I asserted that my research suggested that he was——

Senator Smith. They then verified that?

Dr. O'Grady. No, they did not verify that. I persisted and said that if I could be given this information I believed I could verify it.

Senator Smith. I just want to be sure. I thought you said that they did verify it? In other words, they dispute the fact that you think your father was alive, or they supported it?

Dr. O'Grady. Up until 1991, August of this year, they have disputed that my father was in fact captured alive.

Senator Smith. But now they say otherwise?

Dr. O'Grady. Now they say, based upon the fact that they have finally found his actual captors and they interviewed them in detail, who gave them detailed information about my father's capture, right down to, as I mentioned in my testimony, he had 7 cigarettes left that they smoked on the way down the hill.

Senator SMITH. But still no contact with Drumisi?

Dr. O'GRADY. That is correct.

Senator SMITH. And no contact with any of his captors, or no information directly related to you and the captors, as I understand it, the captors, the alleged captors names were provided to the Vietnamese, is that correct?

Dr. O'GRADY. Not only were the alleged captors names provided to the Vietnamese, Senator Smith, but the Vietnamese were taken to my father's captors to participate in the examination of the captors. In my view, that's like taking the prime suspects to help cross-examine the eye witnesses.

Senator SMITH. I just want to touch one final point, and I will be very brief, and I apologize to my colleagues. The statement you also mentioned, the fourth item in your letter, the statement of a marine sergeant by the name of Walker, who claimed he was an early returnee—I assume by that they meant some of those who came out prior to 1973 who had been held in a POW camp with your father—which was purged from your file sometime after 1976.

Now, you know for a fact that some statement by Marine Sergeant Walker regarding your father was in your file and then removed?

Dr. O'GRADY. I know for a fact that that individual contacted the casualty office at Nellis Air Force Base in Las Vegas, NV, in the late 1960's, that he claimed to have been held in a camp in Laos with my father. At that time, we were told that this claim was false, that that could not possibly be true, and it was discounted.

However, it was in the file and remained in the file through approximately 1976. It was released to my grandfather, who has subsequently died, in his attempt to secure information using the FOIA—Freedom of Information Act—and I do have a copy of that. In all subsequent requests for my father's file, dating—my personal request under FOIA from 1985 forward, that document does not appear.

I recently requested a copy of the microfiche to find out if it was just an omission in terms of xeroxing. It doesn't appear on the microfiche any longer, either. I would say the U.S. Government would have a difficult time even finding that particular piece of evidence, but I do have it in my possession.

Senator SMITH. Thank you. I would yield, Mr. Chairman.

The CHAIRMAN. Senator Brown.

Senator BROWN. Help me with a little background in your father's case, Dr. O'Grady. From reviewing the files, do you know where the information about his capture came from?

Dr. O'GRADY. Yes. In fact, I spent a great deal of time putting all of the information JCRC had provided to me. In June 1990, a Vietnamese member of the JCRC team told American members of the JCRC team that they had done research in the MR4 Air Defense Archives in Vinh City, Vietnam, and had come across a report that my father had been shot down by the—I believe it was the 21st Battalion Air Defense Unit. I have that in the record—and that he had been buried at a particular location in a village called Wai Ling. The——

Senator Brown. They had your father identified by name?

Dr. O'Grady. By name in the MR4 Vinh Air Defense Archives. There was an original source of that information from the town of Wai Ling named in that original report. Now, I still do not have that original report, and so I have essentially derived that information from the second report that was provided to me.

At that time, that information as to his death and burial was forwarded to a number of U.S. Government agencies, including the White House, the Vientiane Embassy, the Secretary of Defense JCS CINCPAC in Honolulu DIA and CIL–HI. However, I have still not been provided with a copy of that original report, and most distressingly to me, even though the source of that burial information was available, he was never contacted by the JCRC team in June 1990 to corroborate and independently verify those statements. They were simply accepted and reported to those Government agencies as fact.

The case was then officially closed, and I suspect that my father was considered to be a case resolved. As General Vessey testified, 31 were, even though there were no bodies, they have to look some more to find the bodies.

This was presented as fact despite the fact that a JCRC excavation team went to the alleged burial site named in the report and found no evidence of burial whatsoever. Again, the case was closed until January 1991, 7 months later, when the same JCRC team was in a town in the general vicinity, gathering information on a different case.

The original source of the "death and burial" report had come to that town to seek out the JCRC team members to tell them that he was the one that filed that report and would like to be interviewed, so because he was quite easily available, they did interview him, and that is when they discovered that the original report, or the report filed in the MR4 archives in Vinh City, were based exclusively and solely on hearsay by the original source's own testimony.

Well, then he gave them the shocking information that, well, I can't tell you anything first-hand, I know who can, and he gave them the names of the men from his village who he knew had actually—were members of the local militia who had gone up, surrounded my father, and captured him, taken him down into the village of Wai Ling where he spent the night in a salt house and—a State-operated salt house—and was seen again by 2 additional eye witnesses who were just curious because they had never seen an American before, and who saw him again the next day, still in the control of the local militia and still on a stretcher.

There was indication that he had been wounded. He was described as bleeding at the time of capture. Both captors reported that by the time nightfall came, the bleeding had stopped. The next day, the 2 additional eye witnesses reported his uniform was caked with blood, but it was dried blood, and that he obviously had survived the night, and so his injuries were not immediately life-threatening. If they had been, he could have been transported to a hospital approximately 10 miles north of Wai Ling that was known to have been—was a known hospital in that area, and he was not transported on the evening of his capture.

Senator BROWN. Did the team attempt to interview other people in the region? It sounds like they talked to 4 people altogether.

Dr. O'GRADY. That is correct. Based upon the original sources of information, they contacted the 2 captors that he named, and I'm not sure whether or not the 2 captors provided the additional eye witnesses, or whether the original source, but also there was total of 4 persons interviewed, that is correct.

Senator BROWN. But no one knew the disposition? No one knew what had happened to him after those reports?

Dr. O'GRADY. Well, that's where the testimony of the eye witnesses and the captors gets somewhat unclear and contradictory, and the last time he was seen alive by anybody who was interviewed by the JCRC was about 10 a.m. on April 11, 1967, in control of the local militia, being carried on a stretcher in the village of Wai Lan, and then rumor—what is reported as a rumor was circulated that he was taken by truck to a transport, to a point—allegedly to the hospital. However, the truck unexpectedly stopped at Ba Ha Nung, and—for a few moments, and then turned back. Then a rumor was circulated in the village he had died and been taken back to Wai Ling to be buried. The evidence is much more overwhelming that he was transferred at that point, as opposed——

Senator BROWN. And your statement refers to a Laotian POW camp?

Dr. O'GRADY. Yes. I have a CIA document with me that does identify non-Laotian POW camps in that immediate vicinity, just across the border. You have to understand my father's loss location was on the border of Laos and Vietnam, in an area known as the Megea Pass. Senator McCain might be more familiar with that than I am. He was so close to the border of Laos, his captors reported he was seemingly attempting to maneuver his parachute across the border into Laos, but did not make it and was technically captured in North Vietnam by ethnic nationals.

Senator BROWN. The sergeant that you mentioned reported that he was in the POW camp with your father. Where was that camp?

Dr. O'GRADY. This information was very sketchy. It includes about approximately three sentences that say, Sergeant So-and-so, an early returnee, has come forward and claimed that he was held in a camp in Laos with your husband—it was directed to my mother at that point—however, we have determined that his story is not able to be substantiated.

Senator BROWN. Is there a location and a time?

Dr. O'GRADY. No. There was no additional information.

Senator BROWN. Was there any follow-up?

Dr. O'GRADY. There was no evidence in the file at any point.

Senator BROWN. Did they give you the information that would enable you to contact the sergeant?

Dr. O'GRADY. I'm still trying to track the sergeant. I've also requested on numerous occasions, through every channel available to me, a list of the early returnees from Vietnam, and I have not been able to access that list either so that I could at least verify that he was in fact an early returnee.

The CHAIRMAN. Who have you asked for that?

Dr. O'GRADY. I've gone to the Casualty Office as directed, I believe I have attempted through various Congressmen—McCloskey at one point, Congressman Rowland at that point. I've asked for assistance through the National League of Families directly—again, it seems to be a casualty, a U.S. Air Force document. I believe I also contacted Secretary of the Air Force in an attempt to see if that could be provided to me.

Senator BROWN. Dr. O'Grady, you would like the names of the contacts on the ground?

Dr. O'GRADY. The names of the captors that are now known.

Senator BROWN. The names of the captors that are now known, you would like an ability to get in touch with the sergeant to query him further?

Dr. O'GRADY. That is correct.

Senator BROWN. You would like a followup done by U.S. Intelligence both with records that might be available from POW camps, from people knowledgeable of those, and also any records that exist with regard to the Laotian camps themselves, and hospitals, I take it?

Dr. O'GRADY. That is correct.

Senator BROWN. You, I assume, would like some assistance in visiting Vietnam yourself?

Dr. O'GRADY. I would very much like to go to Vietnam myself. I think at this point in time I'm the only family member who can go and speak to my father's captors, the men who last saw and knew my father to be alive directly.

Senator BROWN. What else should we be focused on?

Dr. O'GRADY. Senator, I hesitate to continue to ask specific requests on behalf of just my case, because I believe that I could obtain the information I need, and we could cure all of the other families' needs that have long been denied, as well, by some basic policy changes and specific methodology recommendations, and I would be happy to list those for you.

That would cure not only my concerns but also accomplish the same for many other families in exactly the same circumstance, and I cannot tell you how many others could come here and tell you information has been purged from the file, information has been altered, information is inconsistent, information is inaccurate, and so we need not a piecemeal case-by-case basis of resolution, though I certainly appreciate that. We need a structured approach that is effective immediately.

Senator BROWN. We need the specifics, if you're willing to supply them.

Dr. O'GRADY. Certainly. I can go on record right now with 12 recommendations, if you would allow the time.

Senator BROWN. I think that would be very helpful, and I would certainly yield to the chairman's discretion on time. I know he's under some constraints, but frankly, one of the frustrations here is people expressing problems with the process and yet not having the specifics brought out so that we can follow up on them. I think what you've got there is exactly what we need.

The CHAIRMAN. I think the Senator's point is very well taken, and we have the time to receive it. I mean, if you feel it is something you want to state publicly, that's fine, or if you could submit it privately to us—we obviously want to make it part of the record. I would be happy to do whichever you're more comfortable with.

Dr. O'Grady. If you feel you have the time, I certainly would like the opportunity to address not only the specific recommendations that I would make to you, but also the issue of the discrepancy cases.

The Chairman. I want to assure you we have the time, so go ahead.

Dr. O'Grady. I will begin with my recommendations. The only caveat that I would add is that every time I come to these hearings I think of about 10 or 15 more, and so these are the ones I have prepared prior to attending these hearings.

The Chairman. Well, they've given us a year's existence, so you can follow up.

Dr. O'Grady. They are in no way prioritized, so please consider any and all of these as possible avenues of pursuit.

First of all—and you have spoken of this today—immediately declassify any and all information pertaining to the POW/MIA issue, including—not limiting—but not limited to all live-sighting reports made by refugees, CAS teams—controlled American source teams—military intelligence, and private agencies, and all others.

Senator McCain. Dr. O'Grady, that's part of the Defense authorization bill.

Dr. O'Grady. All POW debriefings and homecoming egress reports, all documents held by the Central Intelligence Agency, all military command intelligence data collected by CINCPAC, all uncorrelated live-sighting reports, all communication satellite transmissions held by the National Security Agency, the Drug Enforcement Agency, and every other Federal agency, and all uncorrelated POW information held by every other and any other agency as well.

Now, we fought the battle for declassification for a very long time, but at this point in time that would not be enough, because much of the information been withheld from me has not been withheld as a matter of national security, or even as a matter of, it's classified. Reports I speak of were never classified. They were just, as a matter of policy, not provided, and there are a number of policies that prevent information from getting onto the record as a matter of policy.

The discrepancy cases, the names of the discrepancy cases for whom General Vessey is currently negotiating are not a matter of public record. How can we verify who is being asked for? More importantly, how can we verify who is being omitted from the negotiations who should be being asked for? That's my first recommendation. We can look at not only the declassification of material, but policy changes that put on the public record all information that is necessary to recover our men.

Second, again, in that same line, direct General Vessey to stop conducting the POW/MIA negotiations in secret, and to put the names and record of resolution before the families, the Congress, and the American public. Dr. Kissinger conducted negotiations for the original "discrepancy list" in secret.

The names of those men submitted as "discrepancy cases" in 1973 were not released to the public until 1987. Not until 1987 were the families and others made aware of hundreds of discrepancy cases not included on Kissinger's list. General Vessey's current discrepancy list is also secret. The numbers of "discrepancy cases" he references on different occasions is inconsistent, and the criteria for resolution of the cases is not on the record, nor are the names of those cases now considered resolved.

I have recently renewed my request that the list of 31 cases that are purportedly resolved without remains returned, that General Vessey testified to on July 17, 1987, be released. How do we know whose case has been resolved unless he will release that list?

Also, immediately acknowledge that General Vessey's negotiations are limited to men lost in North and South Vietnam, as he testified on July 17, 1987, and are ineffective in the matter of men lost in Laos or transported to Laos, such as my father.

Take immediate action to induce or compel Laos to release the name of hundreds of men known to have been captured alive in Laos and who still survive in Laos.

Immediately reactivate the cases of all category 1 and category 2 POW's, including those in Laos, and using the most sophisticated, computerized research techniques cross-reference all uncorrelated live sightings of prisoners and prison camp locations, including all Bright Light reports, all refugee reports both intra and inter-country, all CAS team reports and other intelligence data collected by any military agency or Federal department or office, and require a comprehensive report as to these findings.

I have been told on numerous occasions we do not have the capacity to cross-fertilize databases. That means if, for example, a report of a live POW should come to CIA, it cannot be entered into a computer bank that essentially cross-references and cross-fertilizes a DIA computer bank. That, after 24 years, Senators, is unbelievable to me.

Immediately establish, outside of the control of any Federal agency or branch of Government, an immediate and comprehensive investigation that will honestly accomplish the return of live Americans and the generation of professional and honest reports, ensuring unlimited and unconstrained access to all the information without challenge and resistance, and the consideration of independent counsel to investigate any possible criminal violations.

Immediately communicate publicly to the Vietnamese Government the trade embargo will not be lifted nor normalization established until all American soldiers who stayed behind after the war and all Americans who may be held outside their control, and all other Americans either voluntarily or involuntarily residing in Vietnam would be immediately released.

Immediately arrange for all family members who are relatives of category 1's, category 2's, and category 3's, to testify before Congress of the cumulative record of deception and dishonesty so that it can be exposed.

In addition, to immediately arrange for a family member, any family member who alleges an official file contains information that is or has been incomplete, inaccurate, concealed, altered, or purged, to testify in open hearing.

To immediately arrange for any family member who has challenged or been forced to accept an unscientific or fraudulent identification as "resolution" to testify in open hearing.

To immediately arrange for any family member who now has or has ever had official or unofficial information that their loved one was captured alive to testify in open hearing.

Immediately halt the "joint resolution" process orchestrated by the JCRC until such time that an honest, scientific, comprehensive methodology and plan is detailed and developed, until such time the Vietnamese are fully forthcoming with accurate information on all cases, until such time as the professional credentials, training and expertise of all team members can be validated, and until such time as there are sanctions identified for unethical and criminal violations committed by any team member.

Suspend the joint process in all cases that are likely to have involved capture by an ethnic minority or transportation to Laos.

Immediately pass an Act of Congress that retroactively restores Captain Carr and Colonel O'Grady and all of the other known and suspected POW's to prisoner-of-war status until they are proven dead beyond any reasonable doubt.

The CHAIRMAN. Senator McCain.

Senator MCCAIN. Dr. O'Grady, what do you do now? What is your line of work?

Dr. O'GRADY. I'm a professor at the University of Maryland Eastern Shore in psychology and education.

Senator MCCAIN. Were you once a member of the board of directors of the League of Families?

Dr. O'GRADY. Yes. I was elected to the board of directors of the National League of Families and served in 1985 through 1986.

Senator MCCAIN. Why did you terminate your service?

Dr. O'GRADY. Well, I didn't voluntarily terminate my service. Based upon what I consider to be questionable election procedures and voting processes, I was not reelected.

Senator MCCAIN. So you've not had further involvement with the League of Families?

Dr. O'GRADY. That's not true at all. After I was no longer formally associated with the National League of Families, I felt that I had seen enough as a board member that dismayed me to such an extent that I felt an obligation, a moral and ethical obligation to those family members who don't have the skills that I have, who don't have the education I have, and the background, to assist them in detailed research in terms of each of their individual cases.

Through that process, I also attempted to provide those families with alternative sources of information and resources that were not only not provided by the National League of Families but actively thwarted by the National League of Families.

Senator MCCAIN. So you feel the National League of Families—maybe I should ask your description—is not doing its job, or carrying out its mission, is that correct?

Dr. O'GRADY. Absolutely.

Senator MCCAIN. Did I just hear you say they were thwarting the efforts to resolve these issues?

Dr. O'GRADY. The National League of families I do not believe represents the interest of the men or those individuals who seek the recovery of live Americans by any of their actions, by any of their procedures, by any of their policies.

Senator McCAIN. Do you believe the National League of Families is actively working against the goals?

Dr. O'GRADY. Yes. My experience as a board member is that there was an active and deliberate plan that did prevent the process from going forward. It kept family members deliberately in the dark in terms of critical information.

Senator McCAIN. Would you do me the favor of providing that information to the Committee as well?

Dr. O'GRADY. I kept a detailed journal while I was a member of the board of directors of the National League of Families, and I can provide detailed documentation of those incidences, occasions, events, and activities, that substantiate my claim.

Senator McCAIN. We would appreciate that.

Dr. O'GRADY. I'd be happy to do that.

Senator McCAIN. Are there others that share your view, do you believe?

Dr. O'GRADY. When I was a member of the National League of Families I was—I made an effort to contact family members. As a member of the board of directors, I did not have access to the membership directly. I was told I could not acces the membership through telephone communication or written communication, that that list was private and confidential and held only by Ms. Griffiths.

I then requested that I would pay for the mailing personally if she would mail those letters, if she didn't want to provide me with a list as a board member, to the families directly.

That was also denied to me, and so I tediously and painstakingly constructed my own list and did in fact attempt to communicate with family members, and based upon my contacts with a large number of family members, particularly those known and suspected captures, I can say with confidence that a majority of those families do not support the National League of Families or the policies or practices of the National League of Families, or Ms. Griffiths when she acts independent of that organization.

Senator McCAIN. What is your theory, Dr. O'Grady, as to why this organization, which is composed of some family members, might be actively thwarting a resolution of this very painful and personal issue?

Dr. O'GRADY. Because of the extensive involvement and personal commitment and interest in the Government's established policies in this matter, I think the line between objectivity and personal interest has been crossed.

Senator McCAIN. And that is by the entire board?

Dr. O'GRADY. No. Specifically by Ms. Ann Griffiths, who is the executive director, and as implemented by a board of her choosing.

Senator McCAIN. Obviously, since you've been in contact with many other family members, you also can provide us with access to their specific complaints and areas that they have not received the cooperation that you feel they deserve?

Dr. O'GRADY. Yes, Senator McCain. One of the things I tried to do is—or, one of the things I did do independently was conduct a survey of family members and ask them if any information had been concealed from them, withheld from them, purged from their files, inaccurately reported, or whatever, and gave them approximately eight to ten categories and asked them to just briefly respond and provide the documentation to me, and so yes, I do have detailed information in that regard. I have reviewed many case files for families.

Senator McCain. Thank you very much.

Captain Apodaca, is your aunt Elena Apodaca?

Mr. Apodaca. Yes.

Senator McCain. She resides in Tucson, AZ?

Mr. Apodaca. That is true.

Senator McCain. She is an outstanding and wonderful person, and one who shares your commitment to resolving this case, as far as Captain Apodaca is concerned—or Major, I believe.

Mr. Apodaca. He was promoted to major after his shoot-down date.

Senator McCain. We also are interested in your problems and difficulties you have had, and we hope we can get those resolved, and we appreciate your commitment to serving this country as well, captain, and I know that he is very proud of you.

Dr. O'Grady, could I just return 1 minute to this issue of the people who you believe captured, or evidence that you have captured Captain O'Grady? You say that these were indigenous personnel?

Dr. O'Grady. Yes, that is correct. The JCRC report states that there is no doubt that this information is correlated to my father and that these were indigenous personnel. In fact, Senator, one of the individual—one of the captors when he was interviewed was difficult to understand, because the Vietnamese translator who the JCRC team utilized could not understand the dialect.

Senator McCain. Do you know how these JCRC people came across these individuals without the knowledge of the Vietnamese themselves?

Dr. O'Grady. Yes. The source of the original burial report—in the MR–4 archives there was report filed, and it has been there for 24 years, I suppose, that this member of—this individual indigenous person who was in the village where he was captured filed a report as to what he heard had happened.

Senator McCain. To who?

Dr. O'Grady. In the Vietnamese records.

Senator McCain. If he filed it with the Vietnamese, then the Vietnamese must have known that he had that knowledge.

Dr. O'Grady. Well, that is my point. For many years the Vietnamese had in their files a report of his death and burial that had never been provided.

Senator McCain. That is to say the Vietnamese did not know about these people. That doesn't make sense, doctor.

Dr. O'Grady. No. I don't want to confuse you.

Senator McCain. I'm sorry, I'm easily confused. I apologize.

Dr. O'Grady. I am, too. In this particular case, the Vietnamese had a record of an alleged death and burial—of death and burial that had been filed when—your question was, why did the JCRC team pursue it?

Senator McCain. No. How did they know?

Dr. O'Grady. When that original source came to them when they were investigating a different case and contacted them and said, I'm the one who filed that report, but—and I would like to be interviewed.

They said well, OK, since you're here we'll interview you, and during the course of the interview he said, well, that report I filed was all hearsay. I didn't see anything, I just heard things, but I do know who captured him, and you could talk to them, and they live here, and here are their names, and that point JCRC was prompted to go to the village of his capture and track those individuals down.

Senator McCain. Thank you very much.

The Chairman. Thank you, Senator McCain.

Now, when they were offered the opportunity to interview, they did interview, correct? The recovery team conducted the interview, they didn't say no, we don't want to interview, they interviewed?

Dr. O'Grady. Yes, they did interview.

The Chairman. And they did pass on the information?

Dr. O'Grady. Seven months after they obtained it and summarized it.

The Chairman. But they did, they voluntarily—I mean, if there was——

Dr. O'Grady. No. No Senator.

The Chairman. I'm trying to understand that.

Dr. O'Grady. Well, let me understand that the only thing the Vietnamese voluntarily passed on a member of the JCRC team was a hearsay report from the Vinh archives that said he had been buried. They told that to the American team members, and the American team members passed that as fact to everyone except the family members.

The Chairman. Now, what do you suggest the American team members should have done if they were given that information at that time?

Dr. O'Grady. Well, the standard by which my research is held to, if I am provided with a report from a library or an archive and the original source of that information is named, then the first thing I do is contact that original source and interview him.

The Chairman. Was the source named in this case?

Dr. O'Grady. Yes.

The Chairman. So what you're saying is, they didn't do the original research?

Dr. O'Grady. No. They did not independently corroborate the information provided by the Vietnamese.

The Chairman. That may go to sort of methodology but not to intent. I mean, if they were engaged in some kind of cover-up or effort to prevent you from knowing, they would never have conducted the interview or never have passed the information on.

Dr. O'Grady. That's a separate issue. What I'm first——

The Chairman. Well, is it separate? Isn't it central to what you're saying? Aren't you saying information was kept from us, things were destroyed?

Dr. O'Grady. You're confusing two issues. The first issue is the methodology. Clearly, the procedural methodology did not reflect the highest national priority, did not reflect an absolute commitment to confirm information passed by the Vietnamese. That's failure No. 1. Failure No. 2 is taking the Vietnamese with them to interview the captors. That's failure No. 2 in the joint process.

The CHAIRMAN. Why is that such a failure? I mean, first of all—I mean, the requirements are probably—I think they are—that you're going to travel with somebody with you. I mean, the Vietnamese are going to go with them.

Dr. O'GRADY. Well, that is the policy that is currently in practice. Joint JCRC team resolution means just that, the Vietnamese and the Americans working together.

The CHAIRMAN. Are you suggesting the Americans are somehow going to be corrupted by the presence of the Vietnamese, that they're not going to ask legitimate questions?

Dr. O'GRADY. I am suggesting that ethnic—the ethnic faction, the minority, would be very unlikely in the presence of the Vietnamese to provide any forthcoming information regarding my father because they were under orders during the course of the war to turn over pilots captured to the Vietnamese. In this case, I do not believe they did that, and would be unlikely to admit that in front of the Vietnamese.

The CHAIRMAN. But in fact the Americans did conduct an interview, did they not, with the Vietnamese?

Dr. O'GRADY. Yes. Jointly, the Vietnamese and Americans conducted an interview.

The CHAIRMAN. And you believe they didn't get the information during that?

Dr. O'GRADY. That is correct. All they got, Senator, was information regarding the fact that he was captured.

The CHAIRMAN. But again it is methodology? You're not insinuating that there was an effort not to get to the truth?

Dr. O'GRADY. That's correct, until I get to the third failure. The third failure is, after the interviews the report was prepared and summarized, if you can call it summarized, in February 1991. It was circulated—I'm sorry, that's not true. The 1990 report of death and burial was circulated.

I don't know exactly what happened to the 1991 report. There is no transmission or transmittal information available. There's no cover sheet. That report was put into a file—the fact that now he is known to have been captured alive by ethnic nationals in February 1991.

Nobody has that report. DIA doesn't have that report, they only have the death and burial report that was summarized and provided in 1990. I do not have that report, I did not get that report until 7 months later, and the way that I get it is in this manner. I called up the DIA to ask if there was any new information on my father. They said to me, why are you asking? We have a report here that says he died and was buried, and his case is resolved. I said, you do, and they said, yes.

I said well, do you have a message transmission number, because I knew if I could get that I could track that document, and when they provided that to me I then immediately contacted the casualty office to get the information from JCRC, that particular death and burial report.

In the process of that, 7 months later, they also provided the evidence as to the interview with the captors, after I had threatened to contact congressmen, go to the media, and to take legal action if that information was not provided to me.

The CHAIRMAN. Now, with respect to the differences between you and the league at this point, it would be hard for any of us to believe that the league would not want to resolve these issues or have any living American come back. I take it you believe that they want that to happen?

Dr. O'GRADY. I believe that Ann Griffiths, as she purports to represent the families of the National League of Families, has not taken a proactive stance to ensure——

The CHAIRMAN. But let me get at this. I mean, I want to make certain—I accept the differences at face value. We all have to. They're unavoidable. But the question is, are they differences about approach, differences about judgments, about evidence, differences of judgment about intention, or is there something larger going on here, and I think what you are saying to me is that you felt she wasn't proactive, or the league wasn't proactive.

Dr. O'GRADY. Ann Griffiths, Senator, controlled the information flow. She controlled all the information on live Americans and it was prohibited and prevented from being provided to the family members directly. She also prevented independent and other individuals who had a different point of view from even being heard so that family members could make an independent judgment, on dozens of occasions.

The CHAIRMAN. But your allegation is that while that happened you don't—I take it you don't believe that happened because she doesn't believe that the issue is legitimate, or doesn't want to get the facts? Clearly she believes that, correct?

Dr. O'GRADY. I think she wants the issue resolved.

The CHAIRMAN. But has a different opinion of how it gets resolved?

Dr. O'GRADY. I think her definition of resolution is different. I think certainly her commitment to the return of live Americans as opposed to the recovery of remains is certainly different, yes.

The CHAIRMAN. A different opinion as to approach and methodology?

Dr. O'GRADY. No, it goes beyond approach and methodology. It goes to deliberately preventing the exercise of democratic process. The families are not given all information from which they can make a personal judgment.

The CHAIRMAN. And the motive for that is what I am trying to get at. It is not because they are always hovering around here, as you know. These are very serious accusations about destruction of evidence and avoidance of truth and coverup and so forth.

What I am trying to ascertain, and I believe you have probably said it, is while there may have been some turf protection here and there may have been some differences about what constituted a legitimate approach that you are not alleging, I take it, that somehow Ms. Griffiths or other members of the league were in cahoots with an effort to prevent the truth from coming out.

Dr. O'GRADY. I am saying, Senator, very clearly that Ms. Griffiths participated in deliberate concealment of information by and with various agencies of the U.S. Government. As to motive, that's very, only speculation unless you want to qualify me as an expert witness in psychology.

The CHAIRMAN. It sounds like you may be able to be qualified.

Dr. O'GRADY. I have my personal opinions as to motive. But I don't think that's really appropriate to speak to at this point.

The CHAIRMAN. Well, we are going to further this inquiry. Senator Grassley, do you have any further questions?

Senator GRASSLEY. Just the point she just made. And maybe if she does not feel comfortable discussing it, I would not force you to do it.

But I would like to have that personal opinion.

The CHAIRMAN. Well, let me just say that as I said earlier before you came back, Senator, this is the beginning of this inquiry. We are going to talk with families who have this kind of evidence.

Senator GRASSLEY. So you are saying it would be more appropriate at that point?

The CHAIRMAN. I think time-wise it would be. But I want to guarantee that will go through that.

Senator GRASSLEY. Do you mean beyond these 3 days of hearings?

The CHAIRMAN. Absolutely.

Senator GRASSLEY. So let me ask, Dr. O'Grady, you would be more comfortable having us handle that at that point. Is that right?

Dr. O'GRADY. In terms of giving you my personal opinion as to motive or in terms of documenting some of my claims?

Senator GRASSLEY. Well, I assume that your personal opinion is based upon your ability to document some claims.

Dr. O'GRADY. That is correct.

Senator GRASSLEY. I would like to have the point of view made and then take time to document it later on.

Dr. O'GRADY. My personal opinion was that self-interest superseded the interest and recovery of live American POW's.

The CHAIRMAN. Well, if all members are amenable to it, what I would like to do is move to the next panel. There is no truncation of this, I want to assure you. You have laid out the parameters of some very important inquiry for the Committee. We knew this was an area we were going to have to go into and were prepared to. And so we will get back to you.

And we would like you to submit all of the documentation, if you would, and begin the process, if you will, with those families who have similar documentation and problems.

My suggestion, and I do not know who is here representing Carl Ford's office, this is something we are going to take up with the Secretary as we go along here. But I do not want to wait a year for us to draw conclusions here that are fairly obvious in the early days, which is that there is a communications, public relations problem, if nothing more.

And I think it would be very advantageous to this entire process if a structure was immediately put into place to permit the accessing of the information and review of information with the families because if you do not do it, we are going to wind up forcing that and going into it in an adversarial way, which I think the Committee would just as soon avoid.

And so it would, I think, be of enormous importance for the Department to think about how it is going to reach out to these families, listen carefully to each of those complaints and problems, and try to begin the process of, if you will, rectifying it and creating a new relationship there. And I think that we will certainly be working and trying to make that happen.

Senator Smith.

Senator SMITH. Mr. Chairman, I do not have any further questions of either witness.

But I would like to just put a couple of points in the record here because I think they relate to what has been said.

First of all, regarding the League of Families and the U.S. Government role, I think it is clear that there is a great deal or there is a tremendous amount of difference, a tremendous difference of opinion as to what the proper role of the League is. And I think everybody knows what the proper role is, but that has become without question in anybody's, or impugning anybody's motives, it has become clouded because the League has been drawn into the process.

The League now is represented as part of the U.S. Government. There is not necessarily a conflict here, but there is a difference, a very clear difference, in the role of each. And if in fact family members are not receiving information, whether it be about live Americans or about deceased relatives or any other information, if in fact the person who represents them before the Government, before the court, if you will, is a part of the court, then credibility is diminished. And we can go beyond that, some have gone beyond that. But that is clear.

And I just want to enter a document into the record and this is not meant to slam any particular administration, there are numerous documents out for the Reagan administration as well, but a document dated March 7, 1979. It was a memorandum from David Ahren, excuse me, for David Ahren from Michael Oskenberg, subject: League of Families meeting with the President.

Now at this time, then POW/defector/deserter, whatever those chose to call him at the time, Robert Garwood had made some overtures in Vietnam that he wanted to get out. And I just want to quote a couple of lines from that because I think it explains why Ann Mills Griffiths wanted to get, on behalf of the family, and why the families wanted her to get before the Government. What happened subsequent to that, we can debate. But it is very clear what happened.

For well over a year the National League of Families of American prisoners and missing in Southeast Asia have sought a meeting with the President. The NSC has consistently turned down these requests.

> Two reasons now exist for altering my recommendation to the President and for responding favorably to the most recent League request. A live American defector has been sighted in Hanoi and has indicated that he wishes to return to the U.S. The Vietnamese have previously given no indication that there were any live Americans in Vietnam, although they clearly knew about this case. The defector has also claimed that he knows of other Americans apparently who are alive in Vietnam.
>
> And it is politically wise, perhaps, for the President to protect himself on this issue by reasserting his continued interest in a full accounting.
>
> Memo, internal, in the White House.

You see, you really cannot blame families for the concerns that they have. This is devastating stuff. We cannot change what happened. But, by God, we can make sure it does not happen again. And we ought to make sure, Mr. Chairman, and I certainly will work to do it, to see to it that we can put a policy in place very soon to see that this kind of nonsense does not continue.

I want to make one final point and then I will be quiet. There was, this is a related issue. Dr. O'Grady talked about categories, category 1, category 2, category 1 being confirmed capture or confirmed knowledge of what happened, suspect, doubtful, unknown, unrelated, 1, 2, 3, 4, 5.

In 1982 there were 166 confirmed, category 1, categories. And there was category 2, which is suspect knowledge, 1,123. Now something happened between 1982 and 1991 that somehow diluted this number down to 64 or 65 discrepancy cases. I never received any adequate explanations as to just what the heck that means as to why this has happened.

Anybody, I know if my father was one of those 1,123, I do not care what you called it, category 2, 1, discrepancy, whatever it is, my father is missing and why is he not a discrepancy case. So I think it is important that we start looking at some of the semantics and put this stuff back together in some common base of definitions that we all understand so we are all working with the same dictionary here.

Thank you.

The CHAIRMAN. Senator, I could not agree with you more. I think both points are very well taken.

And the Committee is not going to be concerned about what happened under which administration. The obvious effort here is to try to just lay out what did happen. I think one of the points that is raised here is very important and the Committee is going to need to understand it and we need to look at it. It is the standards that have been applied here and how some of the judgments have been made.

I think everybody agrees some of these judgments are really tough. And if you have 2 wingmen or something who saw a plane go down and the plane exploded and there was no parachute and so forth, you have got to make some judgments. And nobody is going to contest that. Am I correct, Dr. O'Grady?

Dr. O'GRADY. Those are not cases at issue.

The CHAIRMAN. That is exactly my point.

Dr. O'GRADY. Yes, as long as there is a working hypothesis as to what the standards for identification as a discrepancy case are clear and objective.

The CHAIRMAN. That is what we need to understand better. I think there needs to be more airing of that in order to help everybody. And I think it will help those in the field and it will help those back home trying to make choices and decisions.

And again, that is part of the opening up here. And we are going to open that up. And we are going to look at it.

Dr. O'GRADY. Senator, could I just add one more piece of information relative to what Senator Smith stated?

Beyond the more difficult judgments, there are certain definite judgments. Certainly there would be no debate, I would imagine as to category 2, category 2's, and many category 3's. Let me just give you some examples of some of the numbers confusion done with smoke screens and mirrors that I have encountered in my own research. I will be very brief.

But let me just tell you, and I finally got the Kissinger list released to me. And there were a total of 70 names. I also have the original list and the narrative. So it is interesting that one narrative was provided although the name was omitted from his original list.

I then went back to my own data base and cross-referenced those names with all of the men that as of 3/86 when this list was approximately released, whose names did not appear on the Kissinger list who were known category 1's, confirmed knowledge or capture. There were, and I know you're interested in data bases, 99 of those men at that time in addition, if you include other men who meet such criteria as radio contact on the ground seen in captivity alive, pictures in captivity, good parachute, no evidence of crash, difficulties. You can identify at least, and I'm not an expert, and I was able to find these men, you can identify at least another 110. That's over 200 right there.

And that's based upon my research. And I don't have the staff and the resources and the capability and the time or the money that the Department of Defense has had for a very long time.

And in addition I will tell you I have some other confusion you might be able to help me with. I was reviewing General Vessey's testimony of September 30, 1987 to which I had referred. Now at that time he referenced 224 total discrepancy cases. He broke them down like this, 70 known POW's, seemingly consistent with the original Kissinger list, 28 having died in captivity, 58 probably captured, 156 likely knowledge. And then further broke it down, 137 in North Vietnam, 59 in South Vietnam. Those numbers don't even add up to 224.

But more importantly, on July 17 he then quotes in his testimony, 119 discrepancy cases. So we've lost about 100. And then further breaks the list down as of 22 remains returned, 4 fates resolved with no remains. Again, we don't know who they were or what criteria was used to resolve those cases—31 fates resolved, remains not available. My guess is that they couldn't find them as in my father's case. And 62 fates still unknown.

Now, again, the figures, I have been looking at figures using my computer for years. And I can't come up with consistent figures. CINCPAC lists don't correspond to Department of Defense and other Department of Defense list or DIA lists or other lists. And if you could unmuddy just the numbers for us, remembering those represent men, they represent fathers and brothers and husbands. They are not just numbers. And when we see 100 of them missing from one testimony and on day 2 another, we wonder who did they lose again.

Please help us find out.

The Chairman. That is a fair inquiry. And as you know, yesterday I inquired about the data base and was not given a complete answer on that. And we will be talking about it shortly. And we will pursue that.

Are there any other questions?

Senator Reid. Mr. Chairman, I have been able to watch most of the testimony from my office and I am sorry I missed it. It has been most interesting. I have no questions.

The Chairman. Thank you very much, Senator Reid.

Mr. Apodaca. Mr. Chairman, I would like an opportunity to state a few things if possible?

The Chairman. Absolutely.

Mr. Apodaca. I was invited here because my father's case is—I think I was invited here because my father's case is one of the 62 discrepancy cases. And I've always kind of wondered why. You've got the narrative included as part of the attachment. I've gone over all of the files. And there's not that much information in them past that narrative. It pretty much contains all the details right there.

And I've heard of files that have a lot more information in them, more than my father's. And I keep wondering why it is a discrepancy case. I just have a gut feeling that there's a lot, there is some, more information out there that I'm not finding out about that somebody knows about, why it is discrepancy case.

The Chairman. Have you made that inquiry of your Casualty Office?

Mr. Apodaca. I always request and the Casualty Affairs Office provides me a copy of all the records they have. And they are at the mercy——

The Chairman. Have you sought a briefing as to whether or not there is additional information?

Mr. Apodaca. No, I have no credible evidence, just a gut feeling. I've got to think something else is out there or why is there——

The Chairman. Well, one of the things, as I said, we are going to try to do, I emphasize try, is unscramble the numbers issue, try to get some accountability on where we began with numbers and how we moved from the beginning on down the road to different numbers, what standards were applied to make the determinations about these cases that moved them from one category to another.

Now my hope is, and I think Carl Ford is absolutely genuine on this, I have no reason to believe otherwise, there will be forthcoming a flow of information such as I think we have not seen before.

I am told there will be a declassification. And there is strong commitment on this Committee in the private conversations we have had that other than the source and methods issue, which every Senator wants to legitimately protect, that the information ought to be forthcoming. And that families ought to get that information.

Mr. Apodaca. There's a huge data base of information out there that hasn't even been correlated to any specific individual, I think.

The Chairman. Agreed.

Mr. Apodaca. They published 15 volumes of information in 1978 of information uncorrelated. Now it's been, what is that, 13 years now since that information. Has anybody gone back through that uncorrelated information? We have many new technologies now available. Technologies where we can take photographs and imagery and analyze that and make it into a high resolution. And you could possibly correlate it then.

I don't know what effort has been made on that part. It's going to take a huge processing capability. Take all the information, load it into one data base, let one area manage this issue instead of JCRC having theirs, CILHI having theirs, DIA having theirs. It's got to be managed and coordinated in a much better process.

The CHAIRMAN. Most of the people that have something to do with it are sitting here and listening. And we are appreciative of that. And I am confident that they will take——

Mr. APODACA. One option or recommendation that I can come up with.

I would like to talk about the League just for a few seconds. The League of Families, you know, it's a group of very personally involved, very emotional people, like a huge family. And like any family, you're going to have arguments and differing views. I know most people at one time have hated their brother or sister for a while.

But recently, I've become heavily involved with the League. I was just voted in by the family members this past July as a member of the board. The board has a very diverse membership now. Family members have voted people who have differing views, who believe in different methods and different policies.

And the first board meeting was full of debate on some of these different policies. This allows different viewpoints to be heard. And I think some family members are getting some representation. There is a democratic process. They elect the people in there and the board members are trying to get those viewpoints heard.

But one thing I would like to state is that the board of members must act with family members' concerns and best intentions. And that's one thing that I've tried to do. And I do see problems where family members feel that they're not being heard. But I know from being at a meeting that they are being heard, but it's not the policy that the board voted on. And the board tells Ann Mills Griffiths what to do and she follows that direction.

The CHAIRMAN. Let us see if all of that begins to move in a new direction in the next days. I have a suspicion that it will. And I am confident that it can.

Thank you both very much. I think it is very, very helpful to us and we will be working with you in the months to come.

Dr. O'GRADY. Thank you both very much on behalf of Colonel O'Grady.

The CHAIRMAN. We appreciate it. Thank you very much.

If we could ask the last panel to please come forward. We have Mr. Dennis Nagy, Acting Director of Defense Intelligence Agency, Bob Sheetz, the Chief of the Special Office for Prisoners of War Missing in Action, Defense Intelligence Agency, and Charles Trowbridge, the Deputy of the Special Office of Prisoners of War. Thank you, gentlemen, very much. Would you raise your right hands?

[Witnesses sworn.]

STATEMENT OF DENNIS NAGY, ACTING DIRECTOR, DEFENSE INTELLIGENCE AGENCY; ACCOMPANIED BY BOB Sheetz, CHIEF OF THE SPECIAL OFFICE FOR PRISONERS OF WAR MISSING IN ACTION, DEFENSE INTELLIGENCE AGENCY; AND CHARLES TROWBRIDGE, DEPUTY OF THE SPECIAL OFFICE OF PRISONERS OF WAR, DEFENSE INTELLIGENCE AGENCY

The CHAIRMAN. Gentlemen, thank you very much. You have been extremely patient, although I must say I think it has probably been helpful to listen to some of the panels and get a feel for where we are heading here and what some of the observations of the witnesses are.

We welcome your opening statements, and obviously would appreciate to whatever degree you can summarize. The full statements will be placed in the record, if you can do that.

Mr. Nagy?

Mr. Nagy. Thank you very much, Mr. Chairman, Mr. Vice Chairman, and Members of the Committee.

I have submitted a written statement for the record and in a moment I will take some time to summarize that statement.

First, however, I feel compelled as you know——

The Chairman. Could you pull the mike a little closer?

Mr. Nagy. First, I feel compelled as you know, having sat through now most of the first 2 days of testimony before this Committee to note that I've listened carefully to what the families have had to say, the veterans, our own personnel who operate within the field, and DOD policy-makers. And I've had time to think about that some more.

All of this testimony reaffirms in my mind the compelling reasons why we must continue to apply our absolutely best efforts toward making significant progress on this issue. I have personal reasons why this is compelling to me as an individual. Friends of mine are contained in the lists, Joe Ross, Larry Tatum, and a variety of others.

There is no holding back in terms of my personal efforts and desires with regard to seeking resolution of these issues.

As the Acting Director of DIA, an agency whose name has been mentioned frequently during the testimony so far on these 2 days, I feel a particular responsibility to speak with candor and clarity about the role of DIA, both what DIA's role is and what it isn't. I hope that my testimony and that of my colleagues today and in the days ahead will work toward accomplishing that end.

As noted, I brought with me the Chief of our Special Office on POW/MIA Affairs, Mr. Bob Sheetz. Mr. Sheetz has many years of experience within the intelligence community and as an investigator. He has just recently returned from his second visit to Thailand. On that visit he was accompanied by Colonel Bailey, Bob Trowbridge, who is sitting on my left—I'm sorry, Chuck Trowbridge—who, as you all know has many years of experience working in this area, both as a uniformed officer and as a civilian employee of DIA.

Since my appointment as Executive Director of DIA some 18 months ago and during my brief tenure as its Deputy Director and Acting Director, I have worked to insure that DIA is carrying out its responsibilities for accounting for POW's and MIA's fully and completely. The agency deeply comprehends the special nature of this mission and its importance to the American people.

Moreover, the agency understands completely the need for us to share with the families of these missing men and the American people both our successes and our frustrations. As the Secretary of Defense promised yesterday, the agency stands ready to support this Committee's efforts to bring together all of the facts on this issue as openly as possible.

I am heartened by the opening statements of the Committee Chairman and Members. And I must join with those who have preceded me in stating that DIA wishes to be a full and active participant in these deliberations in the hope that we can set aside past differences and work together toward a resolution.

Much has already been said about the nature of DIA's mission and the procedures we use to ascertain the validity of all reports of live sightings of Americans in Southeast Asia. I believe that it is essential for me to state again both what the agency's role is and what it is not.

The essence of DIA's role is the analysis of reports on the potential existence of live Americans held against their will as a result of the Vietnamese conflict. The most urgent of these are what have come to be known as live-sighting reports. Before I go further I should note that there is often confusion about what is meant by the term live-sighting report. Such a report comes from first-person sources who believe that they have seen individuals alive in Southeast Asia who are or could be Americans.

To determine the facts, these reports require extensive analysis, the tasking of additional collection systems, interviews with the sources, and investigation on the ground in Southeast Asia. Often it is felt by families and other Americans that by its very title, a live-sighting report is a valid indication of the survival of an unaccounted for American.

As much as we would all like to believe this to be the case, it's not. DIA's job is to determine the facts pertinent to the report and to follow the leads to their logical conclusion. Unfortunately, none of the reports so far have led to the recovery of a live American. Nonetheless, DIA will not rest until we have done our best to resolve all of the unaccounted for cases.

As the analysis and other activities relative to a report are undertaken, DIA is charged to inform members of the Government and the families as quickly as possible of the report and our actions. During this process, when the determination is reached, DIA is to keep policy and decision-makers and the families informed. This is often a long and painstaking effort that sometimes seems overdrawn.

But I must remark that there is no room for error in this mission and that I believe it is our responsibility to be thorough and complete. I believe that during the testimony it has been made clear that that was not often the case or not always the case in the past.

While this analytic work is underway, DIA is rightly called upon by others in the executive and legislative branches to support their POW and MIA activities. The agency is also asked to support the families directly and to assist POW/MIA organizations. In addition, the agency carries out its mission by providing intelligence support in the recovery of remains and by serving as the intelligence advisor to the inter-agency group on Indochina POW/MIA affairs, as well as to the President's special emissary to Vietnam, General Vessey.

In the future DIA will also play a role in support of the Pacific Command's Joint Task Force as noted by Secretary Cheney and by General Christmas.

I want to assure the Committee that DIA is dedicated to this mission and to the role it plays in support of the families and the American public. I can assure the Committee that I will personally see to the provision of all possible information to the families.

As to what the mission is not, DIA is not chartered as a policymaking agency and does not establish U.S. Government positions on POW's and MIA's. Our role in the POW/MIA issue is analogous to that of the intelligence community in the arms control arena, that is one of providing intelligence in support of U.S. arms control policy.

In terms of the final resolution of the unaccounted for cases that we address, it is important to note that the final decision as to DIA's analysis rests with an inter-agency policy review group and that no case is completely closed until the return of confirmed remains or, of course, a live American.

I must say that I was pleased yesterday to hear the introductory words spoken by you, Mr. Chairman, and by Senator Smith concerning the sincere desire of this Committee to bring together all of us involved in this vital matter. I believe the DIA has labored honestly in the past to carry out its mission, for some periods with inadequate resources and in the heat of controversy. Those circumstances have been counterproductive to the effective work of DIA's analysts.

I believe, as Senator Smith noted at the opening, that these hearings mark a new beginning. I can assure the Committee that neither I, nor General Clapper, once he is confirmed as the new Director of DIA, will permit DIA to lessen its efforts to help resolve this issue.

We look forward to working with the Committee in a full, cooperative manner, establishing clearly that DIA is both professional and effective in carrying out its POW/MIA responsibilities.

I'll take a few moments to address the new aspects of DIA's efforts. In the past, first-hand sighting reports could only be analyzed through the labors of file studies and indirect collection because we were denied direct access to ground locations in Vietnam, Laos, and Cambodia where the sightings were reported.

Now, however, with various diplomatic approaches beginning to bear fruit, DIA is getting the kind of on the scene access that will allow prompt, first-hand investigations. We have, as the Committee discussed with Colonel Cole this morning, an operational element based in Bangkok, known as Stony Beach. It has begun to vigorously carry out in country missions.

This element was established in 1987 ostensibly to interview refugees. It currently has 8 professional assigned to 9 actual billets. And as was noted this morning, it is being expanded with 9 additional staff members, reflecting in large measure the access that's now available.

In addition, DIA has added 18 more positions to its Pentagon staff, bringing the number of DIA people addressing the issue to 58 in Washington and 17 on board, or will be on board shortly, hopefully 18, in Southeast Asia. I need to note that we are just now beginning to fill these new positions.

We have established an operational element in our office in the Pentagon to insure quick reactions to all incoming reports and we have a standing policy with that new branch which insures that any report directly related to a family member is provided to that family member as quickly as possible.

We're working with professionals assigned to the new office in Hanoi, and as the Secretary noted yesterday, we are moving directly to investigate reports in Vietnam. Mr. Chairman, I'm keenly aware of the challenges facing my agency and the Government regarding this issue. In some quarters, DIA's image vis-a-vis the issue is not what it should be. I believe that the image does not reflect the reality of DIA's serious efforts in the past, the dedication and quality of its people, nor the enhanced current and future endeavors. I have no doubt that the DIA has not done as good a job over the years as it might have.

Internal DIA management reviews of this effort conducted since 1983 have clearly shown room for improvement. Since then, as I've already noted, we have increased the Pentagon staff, in fact, since 1983, from 12 to 58, have established the Stony Beach element in Bangkok, and are now increasing its size, and stand ready to carry through on our commitment to the mission that Secretary Cheney confirmed yesterday. Mr. Chairman, this concludes my remarks. All three of us stand ready to answer your questions.

[The prepared statement of Mr. Nagy follows:]

Prepared Statement of Dennis M. Nagy

Mr. Chairman, distinguished Members of this Committee, I am pleased to appear before you today to explain the role of the Defense Intelligence Agency (DIA) in support of the U.S. Government effort to achieve the fullest possible accounting for the prisoners of war and missing in action (POW/MIA) in southeast Asia.

Since my appointment as DIA's executive director 18 months ago, and during my subsequent time as the agency's deputy director and now as its acting director, I have come to appreciate fully the urgency implicit in our POW/MIA mission. I am keenly aware of the U.S. Government's obligation to its fighting men and women to take all necessary measures to recover or fully account for all POW's and MIA's. Moreover, I understand completely the necessity for us to share with the families of these missing men and the American public as a whole both our successes and our frustrations in achieving this full accounting.

Before proceeding further, it is critical that you understand DIA's role in the POW/MIA issue. DIA is an analytic organization; it does not establish U.S. Government policy on POW/MIA's. The agency was assigned the mission to fully apply all appropriate intelligence sources and methods to determine if Americans are being held against their will in Southeast Asia.

DIA aggressively pursues this vital mission by:

—fully investigating live-sighting reports and supplying the agency's findings to policy and decision makers;

—providing intelligence support to the fullest possible accounting mission, directing our efforts toward assisting in the recovery of remains of those lost on the battlefield and, in the absence of recoverable remains, toward confirming their fate; and

—providing intelligence support to national decision makers as the intelligence advisor to the interagency group on Indochina POW/MIA matters, as well as to the President's special emissary to Vietnam, General Vessey.

DIA spares no effort in pursuit of this mission, and this Committee, the families of the missing and unaccounted for, and the American people need to know that the personnel DIA has managing and executing this vital effort are among the most dedicated and hard working in the entire intelligence community.

In fact, on December 4, 1990, the director of Central Intelligence awarded DIA's special office for POW/MIA's a national intelligence meritorious unit citation in recognition of its exemplary performance, consistent excellence, and superior professionalism.

Additionally, DIA's special office sustained this high level of performance throughout operations Desert Shield and Desert Storm when agency POW/MIA analysts and technicians established a current operations cell in support of the Joint Chiefs of Staff. This cell contributed thousands of extra hours in providing current intelligence on the circumstances of loss or capture and the locations of imprisonment of U.S. and coalition forces. As you know, all of the missing from the recent crisis and conflict in the Persian Gulf have since been accounted for.

Among the 59 intelligence officers and support personnel assigned to DIA's special office, 25 are current or former members of the uniformed services. They also represent a combined 305 years of uniformed service experience, and have 90 years of service in Vietnam and Southeast Asia.

Mr. Chairman, I can assure you, these intelligence professionals are dedicated, motivated, and diligent in their pursuit of the U.S. Government's POW/MIA policy goals. That we will not waver in our effort to achieve the fullest possible accounting is a matter of trust, not only between DIA and the families, but also between us and our brothers and sisters under arms. We would not associate ourselves with anything less, or conspire—as some have suggested—to cover up our findings.

At this point, I want to explain how DIA investigates live-sighting cases—a subject you have indicated is of major concern to this Committee. In the past, first-hand sighting reports could only be analyzed through the intelligence process since the U.S. Government was denied access to the ground locations in Vietnam, Laos, and Cambodia where sightings were reported. Now, however, with various diplomatic approaches to these governments beginning to bear fruit, DIA is getting the type of ground access that will allow prompt, on-the-spot investigations. In coordination with our field operatives, we are gradually establishing procedures to obtain the answers we need. In short, we want to be in a position to ask pertinent questions, then follow up immediately by inspecting appropriate facilities or locations ourselves to ensure all the facts have been gathered. This mission presently resides with DIA's Stony Beach detachment, based in Bangkok. The detachment commander, Colonel Cole, will explain this process in greater detail during his testimony.

In addition to the collection effort just discussed, DIA also utilizes all of the rather significant data collection means available to the U.S. intelligence community to investigate live-sighting reports. I can assure you that all of our intelligence systems and capabilities are being employed with the highest tasking priority in an effort to resolve every, single, first-hand, live-sighting report.

In conclusion, I want to reiterate that with regard to the POW/MIA issue, DIA is an analytic intelligence organization, not a policy-making body for the U.S. Government. Our role in the POW/MIA issue is analogous to that of the intelligence community in the arms control arena, i.e., one of providing intelligence *in support* of U.S. arms control policy. As regards the POW/MIA issue, DIA with the other components of the U.S. intelligence community, provides intelligence support to the overall efforts of the U.S. Government to achieve the fullest possible accounting for every POW or MIA. DIA remains fully committed to supporting this highest national priority. Mr. Chairman, this concludes my statement for the record. I would be happy to answer any questions you or the other Members of the Committee have.

The CHAIRMAN. Thank you very much, Mr. Nagy. I appreciate that and we do want to get to the questions. Let me ask you first of all about the database issue that has been raised. Why is there not one database?

Mr. NAGY. Let me ask Mr. Sheetz to answer that question directly. Mr. Trowbridge may also be able to add to that in terms of the diversity of the effort.

Mr. SHEETZ. There is one database within DIA. All our source reporting, all the reporting on what we've come to categorize as camp reporting, all the firsthand live-sighting reports, all the dogtag reports, all of that material is contained within one computer system, so that when we make a query in that system, we are able to address all of those databases.

The CHAIRMAN. Address the databases of other agencies?

Mr. SHEETZ. Yes, the JCRC database.

The CHAIRMAN. So the comment that was made, Dr. O'Grady talked about the cross-fertilization and so forth, is that accurate or inaccurate?

Mr. Sheetz. Well, I'd just like to clarify it a bit. Every intelligence report that comes in to DIA from CIA, NSA, from our own field element at Stony Beach, all those reports ultimately get added to our database, so when we make a query, that query will pass against all the data in our file. Periodically, we exchange tape files with the JCRC. They give us their crash site and gravesite information and other kinds of reports that they get, and to the extent we've been able to sanitize material to the level that we can give it to them, we do that in database format and pass that to them in magnetic media.

The Chairman. Is there any information regarding POW/MIA that is outside of your base?

Mr. Sheetz. I can't speak for outside the intelligence agencies.

The Chairman. Well, would all CIA, NSC, obviously the DIA, what other agency might—any, I suppose, State?

Mr. Sheetz. Every State cable.

The Chairman. What about NSC, CIA?

Mr. Sheetz. Well, NSC, the National Security Council is not a reporting element. They don't generate intelligence reports. The NSA, the National Security Agency would.

The Chairman. Do they have records on this, for instance, in the 1970's, would that have ever been accessed to your database?

Mr. Sheetz. Every report that is issued by NSA would be in our database. Now, you may in closed session——

The Chairman. Any report issued? What about intelligence? For instance, Brent Scowcroft is recently quoted as saying he does not believe there is anybody alive. Now, where does he draw that conclusion from, and we will ask him eventually, but do you have any sense of that?

Mr. Nagy. I have no information as to how Mr. Scowcroft has drawn that conclusion. Let me mention with regard to the National Security Agency that in executive session we can address those kinds of issues. Generally what we do is we receive the published reports from the National Security Agency and those are entered into our files. We do maintain extensive day-to-day contact with the analysts. But rightly so, the National Security Agency has certain processes that it follows in terms of reporting and——

The Chairman. Could your current database be expanded?

Mr. Sheetz. I think you can—you could always want more data, but I'm not aware of any source of information that we're not tapping into that we ought to be tapping into. I mean—and if some are identified, I'd be pleased to have that brought to our attention and we'll take a look at it.

Senator Smith. Excuse me, Senator Kerry, for interrupting you. I just want to see if I could ask you, when you say database, have you put in previous information or have you just started at point A, 1982 and gone up, or have you put all the stuff in the computer, all the live sightings from 1973 on up?

Mr. Sheetz. Senator Smith, it's my understanding that every report that DIA has received back to, I believe, 1975, but it could go back further. Mr. Trowbridge can probably answer that.

Mr. Trowbridge. When you say everything entered into the database, there are hard copy files, but what's in the database and that's automated, for instance, is source information or identifying reports, and certain data from those reports are automated, so the database consists of both an automated database and also a hard copy database. But to answer your question, anything that is in the office, we could query the database, the automated database, and go to those source files.

Mr. NAGY. What we're saying is, it is not a virtual memory. It is not all the reports, a picture of all of the reports in an automated fashion.

Senator SMITH. Location, name of individual, alleged POW or whatever?

Mr. NAGY. A number of data elements.

Mr. TROWBRIDGE. That's all in the database, sir.

Mr. SHEETZ. I would add to that, Senator Smith, that every critical field that would be useful in terms of indexing and cross-indexing, I'm certain or hopeful, at best, is in the database and should we find something in working with you and the Committee that you think ought to be added to that database, we'll be happy to do it.

The CHAIRMAN. Mr. Trowbridge, how long do you go back with this issue?

Mr. TROWBRIDGE. Sir, I reported to the office in December 1971.

The CHAIRMAN. 1971.

Mr. TROWBRIDGE. Yes, sir.

The CHAIRMAN. Is there any purging of information that has taken place in the course of your service?

Mr. TROWBRIDGE. No, sir. There has been information that was historical data that has no bearing on analytical work. Just for the saving of space, it has been categorized and archived in Suitland, but it's all indexed. There has been no purging. It's been archived and it's available for recall if we need to get it.

The CHAIRMAN. So it is your testimony that no data that was ever received with respect to any case has ever been subsequently deleted or changed?

Mr. TROWBRIDGE. No, sir. Not to my knowledge.

The CHAIRMAN. And, Mr. Sheetz, when you came to the office, can you share with us what sort of condition the office was in when you took over? What year was that, when did you take over?

Mr. SHEETZ. Well, I took over April 8 of this year, just after the departure of Colonel Peck.

The CHAIRMAN. What shape was it in when you took over?

Mr. SHEETZ. It was, very honestly, in a state of turmoil. The circumstances surrounding Colonel Peck's departure were controversial and there's no use saying anything else but that, and there was a lot of media attention on the office and you could almost say it was rather beleaguered. I set about being an intelligence professional. I set about doing immediately some things that I thought needed to be done. I took an immediate look at all the intelligence requirements that the office had on the books. A lot of people don't understand how the intelligence process works.

You just don't sit there and wait for reports to come in. You have to identify your requirements. You have to get them tasked with appropriate priority. You have to identify the collectors, get them energized, and only then will the flow of intelligence come in to you in such a way that you can be satisfied that you're getting the material that you need to be getting. Those requirements had not been reviewed for some time prior, at least in the 9 months prior to my reporting. So I did that.

I went around and met with all my counterparts throughout the intelligence community at FBI, CIA, other places. That hadn't been done for some time either. I went out to JCRC and to CIL–HI and met with the commanders of those two commands, who we work very closely with, and that hadn't been done for some time. And finally, I got out to Southeast Asia and met with our Stony Beach collectors and did an assessment of their resource position and made recommendation to Mr. Nagy that their staff needed to be doubled in size so that they could adequately cover all the refugee camps to solicit firsthand sighting reports.

Most people don't realize that we collect those ourselves. I mean, if we had some sort of a conspiracy under way and a cover-up, we wouldn't even be collecting those. DIA collects almost 90 percent of the firsthand sighting reports ourselves. So those are some of the things I did in the first 6 weeks or so, upon reporting to the office.

The CHAIRMAN. Well, that begs some other questions, but I want to turn to Mr. Trowbridge for a minute. Going back to 1973, after Operation Homecoming, were you aware of intelligence information that would lead one to believe that Americans were still alive in Southeast Asia, either being held or moving freely?

Mr. TROWBRIDGE. No, sir. Based upon the information we held in that time frame, I was not aware of any. There was very little reporting at that period of time. We were still in-country. The POW's had just come home in 1973. There was very little reporting relative to live sightings anyplace in Vietnam, Laos, or Cambodia. Everything that we held in the office from that period of time up through 1975, was reviewed by the Select Committee. In the House, I believe it was a 15- to 18-month period of time and they reviewed that information, and they came to the conclusion that they didn't see any either.

The CHAIRMAN. Were you in a position to see that data at that period in time?

Mr. TROWBRIDGE. Yes, sir. We were a small office at the time, but I was the branch chief of that office.

The CHAIRMAN. Now, did you hear Mr. Bell testify earlier today?

Mr. TROWBRIDGE. I certainly did.

The CHAIRMAN. Would he have seen different information? Would the information that he saw and was forwarding, in fact, have gone to you?

Mr. TROWBRIDGE. Senator, if it was in the system and the system worked, it should have come in to our office. I have no idea what Mr. Bell is talking about. My interest is just as piqued as yours is at this point in time.

The CHAIRMAN. I started a little early here and I have had a little longer. So why do I not give up some of my time here to Senator Smith, well, it is almost up anyway. Senator Smith.

Senator SMITH. Mr. Nagy or Mr. Sheetz, with the great opportunity for tunnel vision or armchair quarterbacking, or looking backward, essentially two entities were harmed, I thought, by the Peck allegations. Mike Peck certainly was, and the agency certainly was, at least in the public perception. If you had it to do over again after receiving his letter, what would you have done differently?

Mr. NAGY. At the time, Senator, as you're well aware, we were in the midst of Desert Storm. The office was directly assigned to the command element. All 3 of us at that time, myself as the executive director, Admiral Sheafer as the then deputy director, and General Soyster were deeply involved in that operation and one other important activity. And this is not by way of excusing what I'm about to say at all, but it's the facts of the matter.

We were also involved in the process of working with Mr. Andrews and others on the restructuring of the defense intelligence community, resulting in the memorandum that was signed out by the Secretary on the 15th of March. Both activities occupied the leadership of the agency much of the time, 12, 13 hours a day, and throughout the weekends. When we received the letter—I need to say that as a backdrop—when we received the letter, Mike Peck handed that letter to me and the director, as he has stated that he did, in a sealed envelope, one to each.

I went back to my office and read that letter and called my assistant, whose name I think has been mentioned here, whom I was using because of our other activities to assist me in working with the POW/MIA issue, and I asked her to read the letter as well. We both felt a great concern for this letter. I talked with the director later on that day at a meeting we normally held at 1700 every day and suggested if he hadn't read it, he needed to read it and that we needed to talk with Mike concerning what was in that letter and what he meant.

Frankly, we focused on his request for retirement in the days that followed.

Senator SMITH. I am sorry to interrupt you, but with only 5 minutes, I am trying to jam in a bunch of questions and I do not doubt any of that. There have been two statements made here, one that he resigned, and a letter of resignation, I thought, meant resign. But somebody else, and I cannot recall which witness it was today, said he was fired. Now which is it, was he fired or did he resign?

Mr. NAGY. Senator, he was fired.

Senator SMITH. Well, was he fired after you received his resignation letter?

Mr. NAGY. No, sir. He was informed that we were going to replace him on the 8th of February. We received that letter from him on the 12th.

Senator SMITH. And what was the reason—if you got the letter—if you decided to fire him prior to the resignation letter, then what was the reason why he was being fired?

Mr. NAGY. The reason he was being fired was in our opinion twofold. One, he was not running the office adequately. He was not carrying out the task that we expected of an individual in his position, and two, we were getting reports from General Vessey, from Carl Ford, from a variety of other sources that they did not feel themselves well supported.

Senator SMITH. I am asking these questions not to look back for any recriminations, but to try to look ahead as to how we can look ahead here.

I read his letter. There are some things, there is some language in the letter like conspiracy and other things that there is a broad range of disagreement on. I will grant that, but as I read it, trying to be objective about it, I believe that the thing that comes through more than anything else was frustration, number one, but also I felt that he was also addressing the issue of two things.

One, the issue of mindset to debunk, an often-used phrase, and also it was addressing the tasking, the ad-hoc tasking, the obfuscation, if you will, that took place, maybe not by anybody's direction, but maybe because of misdirection. I felt that those two things, when you read that letter, if you are sophisticated enough to know what is going on in there or at least a little about the issue, those things came out.

Conspiracy, that is a major charge and you can dispute that. But those things came through, and to support that, as I saw it, and I do not want to go back into the debate we had yesterday with Mr. Andrews, but to support that was the Tighe report and the Gaines report, both of which addressed mindset to debunk, both of which addressed ad-hoc tasking, and both of which addressed the need to make major changes. That is what Mike Peck said in his letter and when I asked you the question about whether you would have done anything differently, would you have done this much, do you feel that the press release that was issued by Mr. Andrews, which says that his allegations were false, do you feel that is an accurate reflection of Mike Peck's comments?

Mr. NAGY. It is an accurate reflection of the investigation that was conducted so far as I'm aware. With regard to the two specific points you raised, that being the mindset to debunk, which as you note is not a term originated with Mike Peck, but in fact dates back in several other reports that occurred before and with regard to ad-hoc taskings.

Mike Peck and I talked about the ad-hoc taskings for a couple of months beforehand. I had repeatedly asked Mike, simply because I couldn't draft it myself, to put together a memorandum that I would sign that we would send out to all of the parties that tasked us, telling them we were going to streamline the process assigning the tasking responsibility to a central office and attempt to fix the problem, which was true. And that was a valid problem.

Senator SMITH. My final question, and my time is expired.

Mr. NAGY. But just briefly, if I could.

Senator SMITH. Go ahead.

Mr. NAGY. We finally did get that memorandum and that memorandum was signed by me in the middle of March, and we sent that out to each of the offices that were concerned.

Senator SMITH. The final point, just state for the record. I know you have, as I understand your process over there, after analysis you have a senior review group that looks over what you have analyzed prior to, I assume, it being bucked up to the interagency level or at policy level. Who makes up that group, I mean specifically by name, who are those individuals?

Mr. SHEETZ. On firsthand sighting reports, sir?

Senator SMITH. Yes, sir.

Mr. SHEETZ. There made up of representatives from each of the intelligence agencies, NSA, CIA, State Department, I&R, Intelligence and Research at State. We have representatives typically from the Chairman's office, from Carl Ford's office, NESA, and we request a representative from National Security Council come as well. Chuck, did I miss anybody?

Mr. TROWBRIDGE. No, you didn't, but I'd like to clarify that. These are individuals that are on call to fill that board, not all of them are there. In other words, we don't call all this membership in at one time. There's various members at different boards out of those agencies.

Senator SMITH. But I assume it would be some information that needed to be looked at. I mean, you would want a second look. I mean, it is not urgent but something——

Mr. TROWBRIDGE. For instance, any board has usually got 4 or 5 representatives from these outside agencies, such as CIA, I&R, as Bob mentioned.

Senator SMITH. Senator McCain.

Senator MCCAIN. Thank you, my friend. Thank you all for being here and thank you for being here at this late hour, and you have been patient for a couple of days now. We appreciate that very much.

Mr. Nagy, was there a mindset to debunk that you know of at any time?

Mr. NAGY. I think Senator Kerry and Carl Ford addressed this issue well in earlier testimony. It's hard for me to imagine folks like Chuck Trowbridge, who have been in the office as long as they have and others, being frustrated dealing with all of the thousands of cases that they've dealt with, without the success of a returned American from their labors, to not have a sense—and this is my personal opinion now—to not have a sense that perhaps this effort is harder than anybody ever expected and that might color the way they approach it.

Mike Peck and I talked about that attitude. I read the previous reports, all of them said that. I suspect there was an attitude of that amongst the men and women within the branch. However, I've got to note that from the mid-1980's until the time when Mike had charge of the office, we had increased it from 12 to 42 positions. So many of the folks working in that office were new, relatively new.

I don't believe that they carried with them the same baggage, so I felt that it was a mixed problem, one that we had been working on. I also felt that Mike, if he felt that seriously, needed to work on changing the attitude within the branch if it, in fact, existed.

Senator MCCAIN. Mr. Sheetz, you heard a lot of the allegations that Dr. O'Grady made. They were transmitted to us and we would like to transmit them to you and get a response to those allegations, and maybe a response to some of her recommendations that she and others have. We would appreciate that.

Mr. SHEETZ. It's very powerful testimony. We'd be pleased to look at it.

[The information referred to follows:]

DEPARTMENT OF DEFENSE RESPONSE TO DR. O'GRADY'S TESTIMONY

The following is a summary of the most serious allegations raised by the testimony of Dr. O'Grady as they appear in the transcript of the hearing. The Department of Defense Response follows each specific allegation.

[Dr. O'Grady] stated that records were "purged" from her father's files.—information had been changed subsequent to the Vietnamese participation in the interview with my father's captors.

No information is changed as a result of Vietnamese participation in witness interviews. All of the statements and evidence remains a part of the investigative file. Analytical judgments may change as more information is received, collated and analyzed. That is the nature of the analytic process.

No records were purged from Colonel O'Grady's files. USAF casualty is unaware of any record of "Sergeant Walker's" report ever having been included in the O'Grady casualty file.

Records had disappeared—fingerprints and dental records—through willful and intentional acts.

No fingerprint records nor dental records have disappeared through willful or intentional acts. No dental records on file at the U.S. Army Central Identification Laboratory have ever *disappeared.* Each set of dental records is carefully maintained and the data therein input into an automated database for comparison and retrieval as forensic examinations require. Lieutenant Colonel Johnnie Webb, the Commander of the U.S. Army Central Identification Laboratory, is present and available to answer any Members questions in this regard.

The fingerprint records of 897 of the 2,271 POW/MIA's are contained within the files of the Federal Bureau of Investigation. The FBI is the sole U.S. Government agency charged with maintenance of fingerprint records. FBI Director William Sessions, in a letter to Congressman Solarz, explained the reasons why a number of fingerprint records either did not access into their system initially or were inadvertently purged after administrative presumptive findings of death were entered in individual cases. Director Sessions also explained the efforts the FBI has undertaken to ensure that no further fingerprints are improperly purged. Director Sessions letter is attached.

[The letter referred to may be found on p. 639.]

Additionally, the Assistant Secretary of Defense for International Security Affairs has requested the Service Secretaries to examine the feasibility of requiring that a hard copy fingerprint card be maintained within the field personnel jacket of every individual on active duty in the Armed Forces. This review is currently underway by the services.

Identifications made with teeth and fragments of teeth but when independent forensic anthropologists were consulted, there were no dental records to be compared to.

There is no substance to this allegation. In *every case* in which dental material has been used to form the basis for an identification of remains by the U.S. Army Central Identification Laboratory, dental records were available to support that identification. There have been instances where ante-mortem dental X-rays were not available in the dental record, however, the information contained within the individual's dental chart established the factual and scientific predicate for the identification. There have been no cases where dental identifications have been made in the absence of a dental chart *and* dental X-ray. The Central Identification Laboratory's forensic odontological methodology and procedures are accepted within the forensic science community and by the American Academy of Forensic Sciences. It should be noted that no other forensic identification laboratory in the world has as many independent procedural safeguards to assure valid identifications. Independent and outside expert forensics experts are consulted at every step of the way within the CIL–HI's identification process.

National League of Families at one time called for all family members to provide the dental records that they had on file so that they could be maintained . . . and now those records, either within Government files or within the National League of Families, cannot be found.

No dental record provided to the Central Identification Laboratory by either the National League of Families or the individual family of an unaccounted for American have been "lost." The Central Identification Laboratory maintains strict accountability of dental records provided by the families and by any other individual or organization. This allegation is totally false and without any factual basis.

We were led to believe both in all verbal contacts and all written communications that my father had died. . . . And the baseline information that was very helpful to me in my case is the fact that he was categorized as a category 1. That means, suspected to have been captured. But this information was not discovered until 1985 by my independent research.

Dr. O'Grady's father was carried in a Missing in Action Status until 15 March 1977 when his status was changed to deceased. The basis for her father initially having been placed in a Missing in Action status was his apparent successful ejection from his aircraft, good parachute and other aircraft sighting his parachute on the ground, suggesting he survived his incident of loss. Additionally, Radio Hanoi announced that 4 planes were downed over Quang Binh Province and Hay Tinh Province and a number of pilots were captured on 9 and 10 April 1967. Colonel O'Grady was the only pilot lost over Quang Binh on 10 April 1967.

Pursuant to the Missing Person's Act, 37 USC Sec. 555, prior to the end of his first year in a missing status, Colonel O'Grady's status was reviewed by the Air Force. Given the circumstances of Colonel O'Grady's loss, the Air Force chose to retain him in a missing status and his family was so advised. He remained in that status until his status was reviewed, at the request of his wife. Mrs. O'Grady sent the USAF a letter stating that her family needed to be released from the limbo status and requested that Colonel O'Grady's case be reviewed for a status change to Killed in Action. The subsequent review was made pursuant to the next-of-kin request.

Until Colonel O'Grady's status was changed pursuant to the family request, the Air Force never led the family to believe "from the outset" that Colonel O'Grady was deceased. In fact, the evidence was substantial that Colonel O'Grady survived his incident of loss.

The first time I have ever known my father to have been captured alive, although I greatly suspected it based upon my own research, was in August 1991.

The evidence provided to the family suggested, from just after Colonel O'Grady was lost on 10 April 1967, that he may have survived his incident of loss. This information was provided by the USAF Casualty Affairs Office to the family. The status of Colonel O'Grady was not changed until a request was made by the PNOK to review his status.

I asked [POW Debriefings] of the men known to have been captured within 10,000 meters of my father and I provided to names of those particular individuals. . . . But I have never been provided any of that.

Prisoner of War debriefings are not releasable to families, nor indeed, to the former Prisoners of War themselves. Executive Order 11652, dated March 8, 1972, was the basis for classifying major portions of the POW debriefing information. The information the POW's provided concerning military plans, weapons and operations; the vulnerabilities and capabilities of certain systems and plans; and intelligence sources and methods met the criteria of Executive Order 11652 and was classified. Later under the criteria of Executive Order 12356, dated April 2, 1982, it was determined that the information was still currently and properly classified.

POW debriefings also produced confidential information obtained under a non-disclosure promise. POW's were promised that their complete and candid statements about the conditions of their captivity and the events surrounding their capture, captivity and release would not be disclosed. Release of this confidential information would violate confidentiality agreements and constitute an unwarranted invasion of their personal privacy.

Two options to the policy exist:

1) Family members of Americans missing and unaccounted for in Indochina have been provided a detailed summary of the POW debriefs. The summaries have included all releasable information concerning missing family members.

2) Returned POW's who have requested release of their POW debriefing information have been allowed a one-time security clearance and provided access to read and review the debriefing files in a controlled environment. The authorization to review files did not constitute authority to copy, record or retain the debriefing file.

Pursuant to the policy stated above, POW debriefs were properly withheld from disclosure. As no summaries were provided to the family of Colonel O'Grady, no information relative to his fate was contained within the debriefs that Dr. O'Grady requested.

I know for a fact that the individual (a Marine sergeant named Walker) contacted the casualty office at Nellis AFB in the late 1960's. that he claimed to have been *held in a camp in Laos with my father. At that time we were told that this claim was false, that could not possibly be true, and it was discounted.*

There was a POW who was named Walker who was captured and released in Southeast Asia. Seaman Michael J. Walker was captured on 5 February 1970 in Cambodia. He was released after 23 days. He spent his entire period of captivity in a Cambodian naval facility near Phnom Penh. There was no formal debriefing conducted but there is no record that he or the others with whom he was captured were held with or near other American prisoners.

That Seaman Walker would have had an opportunity to observe Colonel O'Grady in Laos is impossible. Walker never left the Phnom Penh area and was never confined in Laos. Colonel O'Grady was shot down over North Vietnam. There is no intelligence information whatever, from any source suggesting that Americans who were shot down over North Vietnam were ever transported to Laos or were later detained in Laos. Similarly, there is no credible evidence to suggest that Americans shot down in North Vietnam were ever transported to Cambodia.

There was no Marine named Walker who returned from captivity, either at Operation Homecoming or as an early releasee. Additionally, no American Prisoners of War, to include Colonel John Dramesi, reported seeing Colonel O'Grady in captivity. Colonel Dramesi specifically stated that he saw no Americans during his trip to prison camp after his shoot-down.

I have also requested on numerous occasions, through every channel available to me, a list of the early returnees from Vietnam, and I have not been able to access that list either.

The USAF Missing Persons and Casualty Affairs Office has no record of a request from Dr. O'Grady for this information. The information will be compiled from among the services and it will be provided to her.

Dr. O'Grady made a number of suggestions about improving the Government performance on POW/MIA matters. The following points were raised by Dr. O'Grady and provided with her points are the Department of Defense comments:

The discrepancy cases, the names of the discrepancy cases for whom General Vessey is currently negotiating are not a matter of public record. How can we verify who is being asked for? More importantly, how can we verify who is being omitted from the negotiations who should be being asked for?

The discrepancy cases, the 119 individuals who have been discussed in the testimony before the Committee, are not an exhaustive list. DIA, JCRC, General Vessey and the Office of the Secretary of Defense worked together to develop a list of *illustrative* cases which we could provide to the Vietnamese to demonstrate that a category of cases existed which suggested Americans might still be alive in captivity in Vietnam. The *list was not exhaustive, merely illustrative.* These cases were selected in order to shed light on the live prisoner issue. There are cases in addition to the 119 individuals which fit into the discrepancy case definition. Not all of the 119 discrepancy cases involve individuals who were last known alive. Some of the discrepancy cases involve individuals who are known dead—but the Vietnamese should be able to provide information or remains.

The definition of a discrepancy case is:

A case about which the USG has convincing evidence that the Governments of Vietnam, Laos or Cambodia should have specific knowledge.

There are three subcategories of discrepancy cases:

Last Known Alive

Those cases in which the U.S. has information that the individual survived the loss incident and fell into enemy hands. In the case of air incidents, this includes cases in which the crew members are believed to have successfully exited their aircraft and to have been alive on the ground. In the case of ground incidents, this includes cases in which the individuals were last known alive, were not gravely wounded, and were in proximity to enemy forces.

POW At Homecoming

A specific group of individuals who, during the Vietnam War, were classified by their commanding officers and Service Secretaries as POW's but did not return during Operation Homecoming. These cases are also known to many families as "last known alive" due to their POW status. There were 97 individuals so listed. Subsequently, 42 "listed POW's" have been accounted for through unilateral SRV repatriation.

Knowledge of the Incident

Circumstances of loss or subsequent information is convincing that Vietnam, or Cambodia should have knowledge of the incident. In some of these cases, there is convincing evidence that the individual did not survive the incident of loss. In many cases, there is convincing evidence that Vietnam also has remains.

In addition to the 119 individuals whose cases were presented to the Vietnamese, there are 64 additional instances where the individuals were "last known alive" and 13 cases where the individuals were classified by the Service Secretary as a POW. These cases, in addition to the original remaining 119 in which fate has not been determined, will be the focus of the full time efforts of the Hanoi Office under the USCINCPAC Joint Task Force earlier described to this Committee by General Christmas. They will *all* be investigated within Phase I of the USCINCPAC plan.

Immediately acknowledge that General Vessey's negotiations are limited to men lost in North and South Vietnam . . . and are ineffective in the matter of men lost in Laos or transported to Laos such as my father.

General Vessey is the Special Presidential Emissary to Hanoi for POW/MIA Affairs. As his title suggests, he is responsible for negotiating with the Vietnamese on matters concerning America's unaccounted for in Vietnam. General Vessey has time and again raised the issue of Americans lost in Vietnam-Laos border areas with the Vietnamese, suggesting that tripartite negotiations would be required to resolve the fates of those individuals lost along the border. Further, he has repeatedly pressed the Vietnamese to provide information on individuals lost in Laos in areas controlled by PAVN forces. Americans lost in areas under PAVN control account for nearly three fourths of the Americans unaccounted for in Laos.

Take immediate action to induce or compel Laos to release the names of hundreds of men known to have been captured alive in Laos and who still survive in Laos.

We have repeatedly requested that the Lao release a list of all Americans held captive by the Pathet Lao. The Lao have not provided such a list. Neither wartime intelligence nor current intelligence suggests that "hundreds" of Americans were captured alive in Laos. No current intelligence exists that confirms that any Americans remain alive and captive in Laos. If Dr. O'Grady possesses such information, the Department of Defense would be pleased to receive it from her.

I have been told on numerous occasions we do not have the capacity to cross-fertilize databases. That means if for example, a report of a live-POW should come to CIA it cannot be entered in a computer bank that essentially cross references and cross fertilizes a DIA computer bank.

All intelligence reports involving POW/MIA's are provided by the reporting agency to the Defense Intelligence Agency. Upon receipt all such reports are entered into the DIA database. In addition, DIA and JCRC exchange data tapes frequently to assure that the two data bases contain the same information. Despite Dr. O'Grady's assertion, the capability exists and is used on a daily basis by the Defense Intelligence Agency. The Department of Defense would be pleased to explore this allegation further if Dr. O'Grady would provide the names of one or more of the individuals who have provided this information to her on "numerous" occasions.

Immediately establish, outside the control of any federal agency or branch of Government, an immediate and comprehensive investigation that will honestly accomplish the return of live Americans and the generation of professional and honest reports, ensuring unlimited and unconstrained access to all of the information without challenge and resistance, and the consideration of independent counsel to investigate any possible criminal violations.

The Department of Defense is unaware of a modality that would permit an investigative body, outside of any Government agency or branch of government, to investigate the Department of Defense or to carry out the other functions she describes. The Department of Defense welcomes the opportunity to continue to cooperate with the Committees of Congress with oversight over the POW/MIA issue.

Immediately arrange for all family members who are relatives of category 1's, category 2's, and category 3's to testify before Congress of the cumulative record of deception and dishonesty so that it can be exposed.

The Department of Defense does not oppose this suggestion. The Department would, however, request equal time to respond to allegations raised in such testimony.

In addition, to immediately arrange for a family member who alleges an official file contains information that is or has been incomplete, inaccurate concealed, altered, or purged, to testify in open hearing.

The Department of Defense does not oppose this suggestion. The Department would, however, request that anyone who provides such testimony be required to make precise and specific statements of fact as to what material they allege was provided to them incomplete or what materials may have been concealed, altered, or purged and by whom or what agency.

Immediately pass an Act of Congress that retroactively restores Captain Carr and Colonel O'Grady and all of the other known and suspected POW's to prisoner of war status until they are proven dead beyond any reasonable doubt.

There is insufficient evidence to change the status of either Captain Carr or Colonel O'Grady. The Department of Defense has complied with the applicable law, the Missing Person's Act, in both cases. If a change of the law is warranted, the proper forum is Congress.

Ann Griffiths, Senator, controls the information flow. She controlled all the information on live Americans and [the information] was prohibited and prevented from being provided to the family members directly.

Ann Mills Griffiths has no control over information provided to the families by the Department of Defense. First, information on specific cases is transmitted by the reporting agency to either DIA or JCRC. That information is provided by DIA directly to the service casualty officers for distribution to the Primary Next-of-Kin. Ann Mills Griffiths is not in the chain of distribution and is not provided the information for distribution. She may review information in her capacity as the National League of Families representative to the Interagency Group, but she has no say over whether the information will be provided to the family. All such information is required to be provided to the families pursuant to Federal law. This allegation is without factual basis.

I am saying, Senator, very clearly that Ms. Griffiths participated in deliberate concealment of information by and with various agencies of the U.S. Government.

Dr. O'Grady provided no factual basis for this allegation. She provided no concrete examples of such "deliberate concealment." Ann Mills Griffiths is not a Defense Department employee and she has no say over what material will be provided to the families. To the best of our ability, we attempt to provide to the families all information relevant to their cases on a timely basis.

Senator McCain. Mr. Trowbridge, you are obviously the corporate memory. How many years now have you been associated with the issue?

Mr. Trowbridge. It will be 20 this December, sir.

Senator McCain. So you have been there when it was very small and you have seen it grow large, and you have seen the ups and downs of this issue, sometimes painfully so.

Mr. Trowbridge. I have seen the good and the bad, and I feel like the flak bearer drawn across the sky for a long time.

Senator McCain. Mr. Trowbridge, during your years, did you have much contact with Mr. Bell?

Mr. Trowbridge. Other than reading reports and things, I have not had much personal contact. I know Bill through the years fairly well, but to say that we worked on a daily basis, no.

Senator McCain. Did you ever hear him mention that he thought there was some hard evidence at some time that Americans were alive?

Mr. Trowbridge. No, sir. What he said today took me totally by surprise. I'm very interested to find out what he had to say.

Senator McCain. And interested on what he bases his statements?

Mr. Trowbridge. Yes, sir.

Senator McCain. Because you never saw any evidence or any accumulation of evidence that would have convinced you that there was a likelihood of Americans being alive?

Mr. TROWBRIDGE. No, sir. And I would like to go back to the statement I made, I think it was in answer to Senator Smith about information in the 1973 time frame. In the 1973 time frame there was nothing. I don't recall anything that would support that and then I talked in terms of going up to the 1975 time frame, before the Select Committee reviewed that information. I was speaking in terms of right after Operation Homecoming, and I interpreted the question to mean when the POW's came home, did we have anything that would indicate that they didn't all come home, and my answer there was, I don't recall anything of that nature.

Now, subsequent to that we were still in-country, of course, and there was the fall of Saigon. There were Americans that were in captivity after that point. We did track them, we did have that information, and they did return. So I just want to make that clear. I was talking strictly in terms of the prisoners at Homecoming. But no, I don't know where Mr. Bell is coming from on that. I'm anxious to see what he has.

Senator MCCAIN. Now, Mr. Trowbridge, during this period of time you served under many directors, and there are at least two, General Tighe, if I remember right, and Admiral Tuttle.

Mr. TROWBRIDGE. Yes, sir.

Senator MCCAIN. Both of whom, amongst I do not know how many directors that you have had——

Mr. TROWBRIDGE. I can't remember either, so——

Senator MCCAIN. Two of them——

Mr. TROWBRIDGE. Senator, Admiral Tuttle was not a director of the agency, but he was a part of the agency at the time.

Senator MCCAIN. Then one director, in the case of General Tighe, and one associated with the agency, Admiral Tuttle, who both now state that they believe that there are Americans alive in Southeast Asia, due to, as I understand it, the weight of evidence, or the cumulative weight of evidence, is my best understanding. I understand we are going to have General Tighe, who can probably describe his views a lot more succinctly than I can, but did you have any conversations or dealings with them that gave you an idea as to why they formed the opinions that they did?

Mr. TROWBRIDGE. Well, I can't quote General Tighe word for word, but just before he did retire, there was testimony and, I believe, his testimony was that we didn't have evidence. As I say, I can't recall the exact words, but when asked his personal opinion, I think that's where he came in and said I believe there may be somebody there, and then he expanded beyond that in the following years. Of course, he'll have to speak to that. I can't.

Senator MCCAIN. And you, even though in absence of hard feelings to not have, and this a very unfair question to you, Mr. Trowbridge, and I apologize before saying it. Do you have a personal opinion that there might be Americans alive in Southeast Asia? And the reason why I ask is that I am not sure that there is anyone besides you that has been constantly involved in the issue, perhaps Mr. Bell, nearly so as you and he have been.

Mr. TROWBRIDGE. Sir, I'll answer it in these terms. Are there prisoners there, I don't know. I've looked—my personal opinion is the same as my professional opinion. I've looked at an awful lot of reports over the years and I've gotten excited over ones, over the years, and the ones I got most excited about are the ones that turned out to be something that was orchestrated. Somebody did a good job of putting a story together. However, I haven't seen anything that would convince me that American prisoners of war are still being held there.

Senator McCain. Thank you. I thank you, Mr. Chairman and I hope that one of my colleagues will ask you about your experience with some of these concocted or manufactured stories, because I am sure you have had an interesting experience with that. Thank you, Mr. Chairman.

The Chairman. Thank you, Senator, we will be glad to come back and give you more time to do so. Senator Grassley.

Senator Grassley. Mr. Trowbridge, I would ask you first, I believe, and I think some of the information that I wanted for background has probably been pretty well covered. You said you had been with the agency since December 1971, so obviously, you have been there a long time, and I suppose that Mr. McCain states it right, that you are kind of the corporate memory, the institutional memory for the organization.

Before December 1971, what were you doing?

Mr. Trowbridge. I was a naval officer, sir.

Senator Grassley. Naval officer. Could I ask you what qualified you at that time in December 1971, to be an intelligence analyst?

Mr. Trowbridge. Well, I was the branch chief. You say an analyst, I wasn't an analyst. However, as far as my background is concerned, I was a naval aviator. I got into the intelligence community. My first schooling in intelligence was in 1964. I served as staff officer for intelligence and operations on staff. I was on 7th Fleet staff ashore in Vietnam in 1967 and 1968. We were their eyes and ears for shore. And, again, there I was an intelligence officer. I went to CINCPAC staff where I was an intelligence officer dealing with reconnaissance requirements, both at the national and the tactical level in Vietnam. Then I came to this position

Senator Grassley. No prior analytical experience?

Mr. Trowbridge. While you say no prior analytical experience, I had a long experience in the intelligence community when I was in 7th Fleet staff in Vietnam and it certainly was my duty to provide the commander intelligence information that was gathered. I was there and I interfaced with the 7th Air Force and that information was provided up to the fleet.

Senator Grassley. And the POW office where you work, how many bona fide intelligence analysts are there?

Mr. Trowbridge. I don't have the exact number right in front of me, but maybe Bob knows.

Mr. Sheetz. No.

Senator Grassley. Well, if you want to answer, Mr. Sheetz, please do. I just want the statistic, that is all I am after.

Mr. Sheetz. We've a total of 58 billets in the organization right now. Six of them are what I would call the management team. We have six clerical and administrative support people, 29 analysts and 17 intelligence technicians, and enlisted personnel who perform sort of a mixture between analytic and technical support work. That adds up to 58.

Senator GRASSLEY. I think, Mr. Trowbridge, you probably answered this, but let me ask it my way. I do not expect a different answer, if you assume you have spoken to it before. In any of your analysis of live-sighting reports or other information, have you ever concluded that an American serviceperson is being held against his will in Southeast Asia—all of Southeast Asia?

Mr. TROWBRIDGE. As a prisoner of war?

Senator GRASSLEY. Being held, yes, as a prisoner of war.

Mr. TROWBRIDGE. I don't believe we have, sir.

Senator GRASSLEY. OK. Now, you say strictly a prisoner of war. I would rather say against his will. You know, I do not know—I am not a lawyer. I do not know the true legal definition of prisoner of war, but somebody being held against his will.

Mr. TROWBRIDGE. Not to my knowledge, sir. Now, we had reports, as I mentioned just a little earlier, after Operation Homecoming there were individuals that were still in the country. There were—was an American presence there until 1975. There were individuals that were captured. We did have reporting that equated to these individuals. Some of them were moved through Vietnam to North Vietnam. We knew where they were. We had reporting that we equated to these individuals. We did have someone in Laos at the time and we did equate reports of these individuals. So that is my answer.

Senator GRASSLEY. OK. I am willing to accept that judgment. I want to follow up and this is just to clarify it from the standpoint of your responsibility. I assume that you are aware that if you or any one of your colleagues in the organization have ever made even one mistake in analyzing live-sighting reports, it could mean that we have left someone over there against his will. Is that a fair statement?

Mr. TROWBRIDGE. I think about it every day, sir.

Senator GRASSLEY. OK. Again, this is probably repeating, but just to emphasize, I think, what Mr. McCain brought up, and this is without any discussion with him. Well, I guess I did not ask this question of you, so I am asking of you, Mr. Trowbridge, do you believe that there is a problem in DIA with regard to the mindset to debunk?

Mr. TROWBRIDGE. No, sir, I don't. Mr. Nagy addressed that a little, and I would be more than glad to address that issue with you. So often the Defense Intelligence Agency gets this handle of debunking information. We have received approximately 1,500 sighting reports. We presently have a little over 100 on the books that are unresolved. We have a fair number of those reports—I think it is about 68 percent—where the individuals have come in and given us this report, the analytical work has been done, and we have equated that information to someone that is accounted for in one form or another.

In other words, the reporting had to do with somebody that went down during wartime, the information where they talk about an individual being captured is right on the money. They have told us the truth. They tell us about somebody in Vietnam, say in that period of time, 1975 time frame, sightings of individuals that are being held, and when we equate that to the individual we know who the individual is. Again, they are accounted for or they came home. Maybe they were a missionary, someone that was working there.

Senator GRASSLEY. Maybe I could save you some concern, because what I think maybe you feel implicit in my question when I talk about a mindset to debunk, I do not necessarily say that that is a bad motive. I would say that it could be a case where, as I said a couple of times yesterday, it may not be possible to see the forest for the trees, you know, that sort of a thing where sometimes you could be so close to a situation, and with no bad motive, just maybe not read something correctly. I guess I would ask you to answer the question yes or no, if you know that is where I am coming from when I ask you this question.

Mr. TROWBRIDGE. I certainly know where you're coming from sir, and I think an analyst makes a judgment based upon their experience, and they look at the situation, they look at that particular report, and if it is not a good report, then that is what you want out of your analyst, he should say that. Now the mindset to debunk, how can we debunk reports if people are coming in and telling us the truth and we've equated those reports that people are telling us the truth. As I said about 68 percent. We also have a portion of them where somebody actually did come in and tell us a lie. But all of that information is then provided in front of another board to review.

Senator GRASSLEY. Well, let me accept your answer, and only finish that part of my question by saying that yesterday Mr. Ford was talking about the fact that a mindset to debunk may be part of the problem, and I guess I would conclude that if Carl Ford is correct, then directly or indirectly that reflects on you and other analysts in the DIA. And I just think that is something that you have got to think about. Again, I do not equate any bad motive to that.

Mr. NAGY. Senator, if I could say something, and not detracting from your time, my explanation to Senator McCain was a personal view with regard to how people worked and minds operate in stressful situations, and these have been stressful situations for these individuals for many years. I don't believe there's an analyst within our shop, not one, who comes to work every day saying to himself, well, if I get any reports today, I'm going to put those down, because I don't think there's anybody over there, and it doesn't matter what the report says. I don't think they are conscious at all, or operate that way in any way whatsoever. These are, in my view, honest, dedicated men and women who function as well as they can within a very difficult environment. I know what Mr. Ford said yesterday, I know what I said earlier with regard to the way attitudes develop over time with the pressures of the job.

Senator GRASSLEY. I think you are repeating, and legitimately so, the point I made about the forest for the trees. Let me ask Mr. Sheetz a question. Is it DOD's policy to give classified information to the Vietnamese or have we, in fact, given some classified information to the Vietnamese pertaining to POW/MIA matters?

Mr. SHEETZ. That's a hard question for me to answer because I've not been over there in the Hanoi office and I'm not personally aware of—I haven't been there to see what has been passed to the Vietnamese. Certainly, I have seen case narratives that were prepared expressly for the purpose of passing information to the Vietnamese. Descriptions of the loss incidents, map segments with critical positions plotted, pictures of the lost and unaccounted-for individuals. I know all those files were passed to the Vietnamese, and I would be certain that in some instances probably material was extracted from classified, and properly sanitized and passed, in that loss information that was given to the Vietnamese. That happened long ago, but I have seen those files.

Senator GRASSLEY. Mr. Sheetz and Mr. Trowbridge, DOD policy has been stated by Secretary Cheney and Assistant Secretary Ford, that family members can have access to all information in their loved one's files except sources and methods. Do you agree that this is the policy?

Mr. TROWBRIDGE. Yes, sir.

Mr. NAGY. Yes.

Senator GRASSLEY. Has either of you ever denied a family member access to information that he or she has a right to according to this policy?

Mr. SHEETZ. Not with knowledge. I could have made a mistake, but not with knowledge.

Mr. TROWBRIDGE. I will answer exactly the same, sir. There is no need to deny any of that information to the families beyond sources and methods.

Senator GRASSLEY. If a family member asked for information, and just happens to show up at your doorstep and asks to see, say, a casualty file, do they get it right away? Can they see what is in it right away?

Mr. SHEETZ. We are required by procedure to work through the service casualty officers. There have been times when family members have come in, in what you might call exigent circumstances, that those procedures have been short cut. I might add that——

Senator GRASSLEY. Well, I should not interrupt you, I am sorry.

Mr. SHEETZ. Dealing with the family members is at one time the most important and one of the most draining parts of my job. Draining in that—and I think useful—but draining in that I take phone calls from family members who are extremely emotionally distraught at times. And Senator, I have to tell you it's absolutely gut-wrenching. My heart goes out.

Senator GRASSLEY. But what they want is information, and I guess the only thing that bothered me in what you said, is what you immediately said after I asked my question, when you say according to procedure. I do not know exactly what that means. I am sure you do know what it means, but it may be that according to procedure, that there is something wrong with that aspect of your policy that gives the families the feeling that they are getting the runaround. What we are really after here is that we need to get families immediate access and whatever this runaround is they talk about, not have it. I can understand the necessity for sources and methods, but beyond that, I cannot, and I am sure they do not.

Mr. NAGY. Senator, we have no reason to withhold anything other than sources and methods, and in fact if we have, we shouldn't have, and I can guarantee you we won't for as long as Mr. Sheetz and I are in a position to see to it that that's the case. With regard to the procedures, these were not established by DIA. DIA functions within the process, as you say.

The CHAIRMAN. Well, is Secretary Ford now establishing that procedure? I mean, Secretary Ford could dictate that this is not going to go through the casualty office and we are going to have the capacity right there to deal with it.

Mr. NAGY. Certainly, Senator. The Assistant Secretary could either change the policy himself, or ask the Secretary to change the policy. As you know, we function through the casualty offices within the services.

The CHAIRMAN. I think what we have suggested here today is, respectfully, that it may be necessary, you were here when I made the comment earlier, to get a more streamlined and accountable process so that—what the Senator from Iowa is saying is, do not let the procedure stand in the way, create a procedure that does not stand in the way.

Senator GRASSLEY. I hate to suggest this, but you ought to get a bunch of politicians in there. We are good at handing out things. Let me ask maybe one final question. How long a period must pass before a family member gets access to new live-sighting information, and I guess to answer that question I would like some citing of policy governing that.

Mr. NAGY. I mentioned that in my opening remarks. Let me ask Bob to outline the policy that we have in place now with regard to that question.

Mr. SHEETZ. Most firsthand sighting of reports—Senator, do not mention a particular individual's name. Most of the firsthand sighting reports that come in require an analytic job to equate those to a particular case. What we try to do is once we make that relationship, that analytic judgment, that equates it at that point. Then it is incumbent on us to do whatever sanitization or whatever processing that is required to get it in the form that we can get it to the families. There are times when we are perhaps overworked and that doesn't happen as quickly as it should. One of the things we just did within the last 2 months was reorganize the office to create a new branch called the Current Operations Branch, which basically is responsible for reading every piece of traffic that comes into our office. And any piece of traffic that comes in that we can immediately correlate to a particular case, the watch officer who is on duty at that time is responsible for making a copy of that report and immediately putting it into the process of getting it to the casualty officers. Where things, I think, do sometimes breakdown is in reports that cannot be immediately correlated, and they have to go through an analytic loop to get correlated, but I will admit that this is an area that needs more management attention and a higher standard of excellence, and I promise to give that to you.

Senator GRASSLEY. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator. We have been here almost 9 hours today, and I think similarly yesterday, and I would like to try to move into a couple of sort of snappy answer questions if we can, and move this along a little bit.

I am troubled. We have got a situation where in 1973 we had Operation Homecoming and people came home. The Defense Department said there is nobody else alive, they are all dead, that was the policy. And yet families said no, they are not all dead. Today, 20 years later, we have got how many discrepancy cases?

Mr. Sheetz. General Vessey presented 119 cases to the Vietnamese.

The Chairman. 119 cases, 20 years later, in which there was cause to believe we could not know what to believe. But there was a reason in a number of those cases to say that a person was last alive—that we acknowledged they were last alive—accurate?

Mr. Sheetz. There were some other cases in that 119 that were not last known alive, but generally speaking that's correct.

The Chairman. So 20 years later we have knowledge of last known alive. But the Defense Department announced that they were all dead and you are saying that we had no intelligence in 1973, 1974, or 1975 that suggested there were discrepancies then, and they only became discrepancies later?

Mr. Trowbridge. Sir, let me try and clarify that for you. You said snappy answers—when you get into discrepancy situations and numbers it's going to take a long time, but I'll answer you with a snappy answer. As far as the intelligence was concerned, reports that we equated to individuals still being held in captivity at that time, the answer was no. The discrepancy cases that we're talking about today—were individuals that were last known alive.

The Chairman. Did we not know that they were last known alive then?

Mr. Trowbridge. Yes, sir, we did.

The Chairman. Then why is that not evidence of somebody being alive? How can you say they are all dead?

Mr. Trowbridge. I never said they were all dead, and I don't see how you can prove they were all dead.

The Chairman. Did you agree with the statement then that they were all dead?

Mr. Trowbridge. I didn't make that statement.

The Chairman. Did you agree with the statement?

Mr. Trowbridge. I didn't agree with it then, I don't agree with it today.

The Chairman. Did you say you did not agree with it then?

Mr. Trowbridge. I don't remember specifically saying that to anybody.

The Chairman. Did the Defense Intelligence Agency stand up and say, do not do this, we have evidence some people may be alive?

Mr. Trowbridge. Well I think it was well-known to everybody what the situation was on last known alive individuals.

The Chairman. What does that mean? Does that mean it was well-known that there might be some people alive? Is that what it means?

Mr. Trowbridge. Well, I would think so.

The Chairman. Then how could a policy have been articulated that said they were dead?

Mr. Trowbridge. I didn't make that policy.

The Chairman. Well, how could you then not have had evidence that people were alive? You said earlier there was not evidence. It seems to me that if somebody was last known to have been alive, and you do not know that they were dead, and we do not know 20 years later that they are dead, presumably 19 years ago we know to an even greater certainty that they might be alive.

So the question is, what happened to them? Why was there not an effort, I mean that is what is leaping out at everybody, this is not that complicated. You have said that there was evidence that those folks might have been alive, correct? Is that correct, Mr. Nagy?

Mr. NAGY. That is correct.

The CHAIRMAN. Is that correct, Mr. Trowbridge?

Mr. TROWBRIDGE. The circumstances surrounding the incident, the last we knew of them they were alive.

The CHAIRMAN. Now what did we do to collect that data or to further that effort back in 1974, 1975, 1976, 1977, 1978, 1979?

Mr. TROWBRIDGE. Well we certainly did. Any information that was collected or anybody that reported information relative to that—came into our office. Did we have any in-country assets to follow up on that at the time? Absolutely not.

The CHAIRMAN. You see it strikes me, respectfully, that this is more of a burning issue today than it was then. That we are more concerned about trying to find those guys alive today than we were 19 years ago.

Mr. NAGY. If I'm right, it seems that way to me too, but I think we need to place this in the context of the environment at the time, which I think Mr. Ford and others have done, or attempted to do. The environment then was to pull away from the rest of the world, to a degree. A number of changes were made within intelligence, for example, that reflected that, where we diminished significantly the assets we had devoted to the Third World.

I think there was an attitude with regard to Vietnam that has been talked about even today, that we wanted to disassociate ourselves as a Nation from that terrible time. I'm afraid that as you look back, the questions you ask are unanswerable by us here, because it was a matter of not only national policy, but almost a national fervor to move away from that.

The CHAIRMAN. And maybe that is the answer. Maybe, respectfully, I would say to you that that is the answer, that that is why the families had to create an effort and an entity that stood up against the Government and against that attitude.

Mr. NAGY. I have no doubt about that sir, with regard to the attitude of the families. I can only say that I believe that to the degree that you can recover, you can't, from the immediacy of the situation following the homecoming. That the Government should have acted to a greater degree to be certain, that the kind of assets that we have now applied against the problem would have been best applied then. I can't recover from that, and I can't apologize enough to the families personally.

The CHAIRMAN. Well, that is a very fair and, again, one of the most honest statements that we have heard, and it is the kind of honest statement that we need to hear, and I appreciate it. It strikes me that what may be happening here, Mr. Trowbridge, is that Bill Bell is responding, as he did then, to that information, but that the agency, for whatever reasons back then, and they are well described—there was a retrenchment and so forth—did not view it the same way, so there was a difference, just as there is a difference within the league about how to do methodology, there was a difference then in perceptions. Is that a fair statement?

Mr. TROWBRIDGE. I would say yes, certainly.

The CHAIRMAN. Now, with respect to this sort of debunking concept that was raised a little bit earlier, you are all familiar with the Dooley case, are you?

Mr. TROWBRIDGE. You would have to refresh my memory.

The CHAIRMAN. Well, let me refresh you with it. This comes from the report of the minority of the Foreign Relations Committee. This is a situation where a Navy pilot, Lt. Comdr. James E. Dooley, was shot down on October 22 1967. He was conducting a bombing run near Hanoi. He was flying an A–4E. He crashed just south of Do San, Haiphong Province in North Vietnam. A fellow pilot saw his aircraft after it was hit. They watched it go down gradually until it hit about 1 mile offshore in the vicinity of Do San. They did not see an ejection, but there was limited observation by fellow pilots because of the weather and because of the swiftness of the incident, so there was some uncertainty. He was listed as KIA, body not recovered. He was not returned or accounted for during Operation Homecoming.

In 1987, a North Vietnamese refugee was interviewed by U.S. intelligence personnel at a refugee camp, and he described the shootdown of an American jet aircraft that he had witnessed in 1968 while in the area of Do San in Haiphong Province. According to the source, he said he saw the pilot bail out with a tricolored parachute, try to swim out to sea to avoid capture. The pilot fired a pistol at his pursuers before he was captured. The refugee said the captured pilot was stripped of his one-piece flight suit, placed in the sidecar of a motorcycle, driven across Do San airfield, and taken away by North Vietnamese officials to a waiting automobile.

Early DOD evaluation of the fisherman's information concluded that he probably witnessed the shoot-down of a pilot, J.M. Hickerson, who was shot down 2 months after Dooley in the same general area. Hickerson was captured, he was repatriated from North Vietnam in 1973.

After Operation Homecoming, however, information began to surface that Dooley was alive. In 1973, a U.S. POW who was repatriated said he saw Dooley's name written on a wall of a prison cell in Hanoi. Two Thai special forces soldiers released from North Vietnam custody in 1973 identified his photograph as a fellow inmate. Finally, a Communist propaganda photograph of U.S. pilots captured in Hanoi, dated after Dooley was shot down, apparently showed a partial profile of a person who strongly resembled Dooley.

Now in 1989, the former prisoner POW Hickerson, in a written statement described the details of his parachute landing and capture, and he was disturbed—Hickerson was disturbed—that the fisherman's eyewitness account of the shoot-down of an Navy pilot was wrongly attributed to him. He said that he landed on the inside of a peninsula at Do San, could not have been swimming out to sea when he was captured, as the fisherman described. Furthermore, he wrote, he did not fire his pistol before he was captured. He said his parachute was all white, not tricolored as the fisherman stated. He stated that when he was shot down he wore a Marine utility uniform consisting of pants and shirt, and not a one-piece flight suit as the fisherman described. And finally, he was taken to prison riding on the back of a bicycle, and not in a jeep or not in a motorcycle or car.

These contrasting differences, however, did not result in a DOD change in the conclusion regarding the shoot-down or the status of Dooley. Apparently Colonel Childress noted in the file that Dooley was listed with a presumptive status of dead, body not recovered. His case was presented to North Vietnamese officials in 1984 during the technical meeting that took place then, and so the question I guess is, that with respect to a case like that, first of all, is that sequence true, does that refresh your recollection about that case, or are any of you familiar with that?

Mr. NAGY. I'm not familiar enough to answer your question sir.

The CHAIRMAN. Are you, Mr. Trowbridge?

Mr. TROWBRIDGE. No sir, I'm not. The Dooley case I remember looking at at the time. I can't sit here and argue the merits as to why we did one thing or another.

The CHAIRMAN. Do you know whether or not there was a reevaluation?

Mr. TROWBRIDGE. I know we took a look at it. I can't tell you where it stands today.

The CHAIRMAN. Do you have any idea why the Dooley case might not be—this raises, you see, this question of how we have got something listed that is not even perhaps on the discrepancy list, but that perhaps ought to be. Now maybe there is a rationale, maybe something did happen to Dooley subsequently, and obviously the Vietnamese might know it, but if it is not even being presented to them as a case, how do we know?

Mr. NAGY. Senator, let me offer to provide all that we know with regard to this case to the Committee within the next day or so.

[The Dooley case file, including classified material was provided to the Committee.]

The CHAIRMAN. I would appreciate that, but obviously it raises a larger question which the Committee cannot walk away from and which we need to work on together, and that is the question of how many of these cases exist like that. And I think what we are going have to do for this Committee to be effective, and for families to have their questions answered, is we are going to have to look hard at this issue of what those classifications are, how they get there, and whether or not we need to do some reevaluating with respect to them and include them in this process as we go along from here. And I think an openness to that reevaluation process and so forth, will lend, again, a lot of credibility to this. I do not have the answer to this. It may be that you guys have evaluated the hell out of it, that you have got 25 different reasons why it was not recategorized, and that is precisely what I think we need to know now. Does that make sense?

Mr. TROWBRIDGE. Yes, sir.

Mr. SHEETZ. I might just note that each and every one of the 2,273 cases, the ones in Vietnam, are going to be made part of the 2-year work plan that CINCPAC is putting together for on-the-ground verification and investigation in Vietnam.

The CHAIRMAN. That is great to hear, that will help do it.

Mr. SHEETZ. If we have somehow made a mistake, not only will the review of this Committee be useful in going over those, but everyone needs to understand that the Defense Department plans to investigate on the ground in Vietnam each and every lost—every missing, unaccounted-for individual.

The CHAIRMAN. That is a very significant statement, and a very ambitious and significant project, and clearly the changes in Vietnam welcome that. And I think there will be an enormous opportunity to do it, and so the key issue then will be, obviously, sufficient assignment of personnel, so that Bill Bell and company are not going crazy trying to fulfill that obligation in changing circumstances without an ability to follow through on it. Senator Smith.

Senator SMITH. It is getting late, and you gentlemen have been very patient. Let me indulge you just for a few more minutes just to pick up just briefly in a comment on the line of questioning Senator Kerry was talking about, 1971, 1972, 1973. It is the intention of the Committee to call witnesses who were in the policy roles of that time to answer those questions which obviously I believe were more appropriate that they answer them probably than you.

The only connection might be, Mr. Trowbridge, was the fact that you were there at the time. You kind of transcend all of these administrations, and it just seems to me that if you had any feeling that there was no justification for saying everybody's dead, that considering the severity of the issue, it would seem like—and I am not saying you would have to make it publicly because soldiers do not do that, but you can do it through channels—and there was nothing that you felt had to be sent up through channels that would dispute the fact of that statement, based upon your intelligence where you were at the time.

Mr. TROWBRIDGE. That is correct, sir, but to say you had intelligence that would say everyone is dead, there is no intelligence that would say everyone is dead.

Mr. SHEETZ. Senator, could I please add something? It's really a critical point. It seems to be a point in the minds of the Committee here on what happened back there in 1973 and the incidents that occurred up to that point. I might add here that the loss incidents and the information that is reported, that is the basis for the making the decisions on last known alive, that is not even intelligence information, sir. That information comes from the operational community, so I would just point out that DIA wasn't the only organization and Chuck Trowbridge, though he is the last remaining analyst and manager from that period, that is not just intelligence information, that's operational information.

Senator SMITH. I understand that. I was just trying to see from your perspective, since you were there.

I mean, when you look back through the press reports, I mean, the papers, any of them, they're very credible—The Wall Street Journal, New York Times, Post—all the stories, as you well know, you've all seen the clips.

They just simply go along, prisoners, prisoners, prisoners, and then boom, everybody's dead, that's the end of it, and then it just seems to me that I don't know how—and I used to coach high school baseball. If I told my team to go out and lose every day, you guys make sure you lose this game, make sure you lose this game—I mean, it would seem to me if any mind set to debunk occurred, it started there.

If it's not there now, then great. But I certainly have not ruled out the possibility that it didn't exist at some point in time because of policymakers, not necessarily because of individual analysts. But I want to move off of that quickly with a couple of quick points.

Mr. Trowbridge, have you ever seen any intelligence from—and we're in open session here, but aerial photography or related matters that would give you any indication that there were American prisoners of war during the war or after the war in Laos or in Vietnam?

Mr. TROWBRIDGE. We had good indications that there were Americans in the reporting. Now, if you want to just talk about aerial photography, there were some individuals that thought we had good imagery of some folks in a location where there were some individuals located, and we looked at that very seriously and hard, and we looked at that with General Tighe, as a matter of fact, and the answer was no.

Senator SMITH. Now, you can—if you wish to clarify this now, fine, and if not we can do it in executive session, but I was told that the individual—and I won't mention his name, but you will know who it is—who was the expert on this type of imagery was absolutely convinced that the imagery that was presented was in fact caucasian, or were in fact caucasians, and that when the Tighe report brought that matter up, that another view then was offered which said that was not correct. Is that accurate, as far as you know?

Mr. TROWBRIDGE. There was a report relative to imagery that was in the Tighe report that did not make its way into the final report. That was an error. General Tighe and his group sat in on that presentation as to what our findings were relative to that, and the reason it's not in there is they bought off on it.

Senator SMITH. In other words, something that had stood there, an imagery analysis that had taken place that had stood there for a number of years was reviewed during the Tighe report and another view was taken that was different? I mean, I just want to establish that that is in fact what happened. Is that accurate?

Mr. NAGY. I think it would probably be better if we address this in a forum where we could talk this all the way through. I am concerned that Chuck may not be thinking of the same facts that you are.

Senator SMITH. I will accept that. We will do it there.

Just a couple more questions, and it seems like I've known you forever, Chuck. We have had our differences, as you know, over the years. We've had some things we've agreed on, but one of the things where we've disagreed is Garwood, and I just want to ask you a couple of questions, specific questions on Garwood.

To the best of your knowledge—and anyone else can answer this—did you know at the time, any time after 1973, after Operation Homecoming, did you have direct intelligence knowledge from any source that Robert Garwood was alive in Vietnam?

Mr. TROWBRIDGE. Do you mean, until the time he came home?

Senator SMITH. At any time between 1973, after Operation Homecoming, and 1979 when he surfaced?

Mr. TROWBRIDGE. In the 1973 time frame I would have to say no. We had indications that he had moved north, but actually where he was, we did not know that, and I don't think we knew that, and I can't specifically say 1979, until he came home. I guess I would have to say I really don't know, but I don't think we had any information until just before he came home, or until the time he came home.

Senator SMITH. So you had—and I want to be very clear, and I'm not trying to trick you or anything. I just want you to be honest with your answer. You had no knowledge that you felt was good intelligence, good information, good evidence—whatever you want to call it—that Robert Garwood did exist in whatever capacity in Vietnam from 1973 until such time as we were informed that he wanted to come out via the note in Hanoi?

Mr. TROWBRIDGE. That is why I hesitated there, sir. We did start to get some boat people out, and in my mind I can't remember whether we had a refugee that may have come out and indicated that he was up in that reeducation area or not. I just can't recall at this point in time, but if it was it was very close to his coming out.

Senator SMITH. So nothing at the lower end of it?

Mr. TROWBRIDGE. No, sir, not to my recollection.

Senator SMITH. So we didn't track Garwood, we didn't know where Garwood was on a month-to-month or week-to-week or year-to-year basis?

Mr. TROWBRIDGE. No, sir.

Senator SMITH. We had no idea?

Mr. TROWBRIDGE. That is correct.

Senator SMITH. You indicated to me, and I believe to a couple of other Congressmen in a meeting, I believe it was, in—I can't remember which Congressman's office it was. I know he passed away, the Congressman from Alabama, a couple of years back, that after the debriefings with Garwood that you did not believe him. You used the term, fabricator.

Would you just state for the record, without—not a long explanation, just why you did not believe Robert Garwood's story about live Americans, and I would just qualify that by saying I think you will agree, and if you don't, say so, but based upon the 7 or 8 days that I sat in on numerous hours with you and Garwood, he did give you a great deal of information which I will not go into here in public session, but he did give you information that you felt was valid. Is that not correct, that part of the question?

Mr. TROWBRIDGE. Sir, as you well know, you were instrumental in making him available to us on two occasions. We spent extensive time with Mr. Garwood in those interviews. We have an agreement with his attorney, to the best of my knowledge, not to discuss that in public, and we will make all of that information available to this Committee. I think Mr. Ford said that to you the other day.

Senator SMITH. OK. That's all the questions I have. Thank you.

The CHAIRMAN. I presume that you're talking about his attorney at the time, Mr. Waibel?

Mr. TROWBRIDGE. During the interviews.

Senator SMITH. That was Vaughn Taylor.

The CHAIRMAN. Senator Grassley, do you have any more questions?

Senator GRASSLEY. I do not have any more questions, thank you very much.

The CHAIRMAN. With respect to the Garwood interview, when he was immediately—when he was flown out of Vietnam, were you folks part of the decision-making with respect to any debriefings, or how he would be met, greeted, and dealt with?

Mr. TROWBRIDGE. No, sir. We expressed our desire to get to Mr. Garwood as soon as possible. In other words, we wanted to get to him as soon as he stepped off the airplane. Our concern was what he may have known about anybody that may still be there.

The CHAIRMAN. Did you express that concern and put it in a request? I mean, did you try to see him immediately?

Mr. TROWBRIDGE. Yes, sir, we did. We were denied that access.

The CHAIRMAN. Who denied you that access?

Mr. TROWBRIDGE. I think it was twofold. His attorneys didn't want us to have access to start with, and then there were some policymakers. I think it was the Marine Corps.

The CHAIRMAN. Where was the decision made that he would need attorneys? I mean, I understand when he got on the airplane and was greeted by an Air Force crew, he was served champagne and treated very well. Is that accurate?

Mr. TROWBRIDGE. Sir, I can't address that.

The CHAIRMAN. I further understand that when he got off the plane, rather than being met with more champagne he was met with an arrest and reading of his rights.

Mr. TROWBRIDGE. I can't address that, either. I don't know.

The CHAIRMAN. So you have no knowledge of—well, when was the first time that you did get to debrief Bob Garwood?

Mr. TROWBRIDGE. After his court appeals went through the whole court system, and it was many years later. I think it was through the good offices of Senator Smith that we did get to him finally.

The CHAIRMAN. So it is fair to say that here is this person who came out of Vietnam, whatever his status was, who was not debriefed by United States officials for years afterward?

Mr. TROWBRIDGE. Well, I wouldn't say that, exactly. As you will see in the file, he was talked to by the Marine Corps. He was talked to by some Members of Congress that headed the POW/MIA task force from the House side very early on.

The CHAIRMAN. But not from an intelligence perspective?

Mr. TROWBRIDGE. No. They did ask the questions relative to the prisoner issue, though, and they are part of the record.

The CHAIRMAN. Would you say in retrospect that that is a gap, that that is a mistake, that this man should have been debriefed the moment he stepped off the airplane?

Mr. TROWBRIDGE. In my mind it is, or we wouldn't have been faced with the situation that we were many years later with Bobby Garwood.

Mr. NAGY. I think we've learned that lesson, in a sense. As you know, with the other returnees in other circumstances and situations, such does take place.

The CHAIRMAN. Well, every single one of the Operation Homecoming returnees were debriefed immediately upon stepping off, and so we knew the lesson before that, didn't we?

Mr. TROWBRIDGE. Yes, sir. We wanted to talk to him.

The CHAIRMAN. He was treated differently.

Senator SMITH. Excuse me, John, I think that is again—and it's not necessarily your area, but just to put on the record, I think that is what concerns me.

Garwood stated, contrary to what has been said in the press, that he had information on live Americans, but when he was arrested, charged with desertion, court-martialed and all that stuff, his attorneys at the time advised him not to talk.

But it just seems to me, if you wanted to put together some type of logical information, if you just, 6 years before, had declared everybody dead as a policy and somebody comes out alive, your policy doesn't look too good.

It just seems to me that when I think—now, you have to remember, knowing the Garwood case as well as I do, Robert Garwood couldn't speak English when he came out, No. 1. No 2, he was in a terrible mental state. No. 3, he was placed under arrest, received no psychiatric help, no offer of medical attention to speak of, of any kind, that the other people who came home got, so he was, to put it very bluntly, scared to death.

Now, I think these are mistakes, obviously, and we tried to correct some of those by interviewing Mr. Garwood, but we lost 6 years—12, actually, but 6, and his memory was pretty good, as—it had to be gouged a little bit, but I think there's a lot of misinformation out about Garwood, and I think that misinformation has contributed to his lack of credibility.

But the bottom line is that he was at one time a POW, he was a POW that did come out. Now, what he did—again, you have to start getting into the time frame of what he did when he did it. If he was a POW, and he wasn't let go, and he collaborated with the enemy in 1974, maybe you or I would have done the same damn thing if you thought your country left you, and so I think all of that, and—I'm going to end the discussion here.

The bottom line is, the thing that I'll never understand and nobody's ever explained to me, and somebody's going to have to at the policy level when they come in here, is why it was so important to court-martial Robert Garwood in a severe psychiatric and mental condition, in addition to not even being able to speak English. Why was that more important, that interviewing Mr. Garwood like we did, everybody else about possible American prisoners of war?

Somebody made a decision, and I haven't been able to find out who it is yet, but I'm going to try. Who made that decision? I think those kinds of decisions is what you guys look bad today and you ought to be mad as hell about it, and you ought to speak out about it. You ought to be not afraid to speak out about it.

If you know anything about it, you ought to put it on the record and say it, because those kinds of decisions dumped on you guys, you're taking a lot of crap today in the DIA, all of you, and I know how hard you work. I know because I've spent—how many days did we spend down at Ocracoke on Garwood?—and we weren't just fishing, either.

So we know this, but you ought to respond, and if there's somebody out there that deserves some of this heat for doing it, and that can take it off of you, then we ought to make them come forth.

The CHAIRMAN. Let me just say that as I have said previously, as a part of trying to understand how information has been treated and how we have got from here to there, we are going to go through all of that. And this has been an interesting day with respect to a lot of this.

Let me come back to the current status because a significant focus, obviously, of the Committee is on our capacity to do this now, on our ability to follow through now. And we all acknowledge that there were mistakes made and we are going to try to chronicle them as we understand it.

But are you satisfied that you have the resources today, the commitment today, the capacity today so that we do not have to go through a reevaluation of the intelligence evaluation process again? Are we where we have to be?

Mr. NAGY. Let me answer that, Senator.

In terms of the process as we saw it 2 months ago and we began to make the decisions with regard to increases in manpower, I think that here in Washington we have sufficient manpower allocated to the job according to that criteria. With the chartering of your Committee, with the other changes that we see coming, as they should, in our view with regard to relationships with the families, the provision of the material, of a variety of other actions which we all agree are necessary and appropriate, I feel that 58 here in Washington is probably too small a number.

The CHAIRMAN. So you think you need some more folks?

Mr. NAGY. I would think so in terms of this if we are to continue the normal analytic process and provide service to the families as they deserve it and to you, Senator.

The CHAIRMAN. I would concur with that. I think you do. And I think it has got to happen notwithstanding the expense because the expense of not doing it in terms of good faith and people's perceptions is just that much more costly. And obviously, the families are under the impression that this is a matter of the highest national priority. One day longer is too long. And we ought to be Desert-Storming the evaluation process here in order to guarantee we do not have to wait any longer.

If we can do it for that, if we can do it for the oil in the desert and so forth, we can sure do it for our fighting troops that we have questions about.

I hope you are going to put this in writing. And I hope it is going to be on the Secretary's desk or whoever is appropriate so that decision is made.

This Committee is going to be here. And I do not want to come back in 2 months or 3 months and say, well, what happened; we did not follow through on it. So I think that you need to think about what ought to happen for the data base, for cross-evaluation, for the ability to go through these cases, for the ability to support General Christmas and this new structure, and for the ability to support the people in Vietnam itself.

Mr. NAGY. I would only add that we are in a time of declining resources and DIA's resources overall have declined, particularly in the 1992 fiscal year.

The CHAIRMAN. I think you have to make the request for this. I am quite confident the Secretary of Defense did not come here yesterday to promise that this is a high priority without being willing to do that.

And I do not mean to be trite at all, but if we are able to find $180 billion for the S&L's we can find the personnel to complete this task after 20 years.

With respect to the photographs, four of the five have been discredited. There is one photograph or two photographs that remain outstanding and in question, the Carr photograph and the Robertson, Lundy, Stevens photograph.

Mr. SHEETZ. There is a new Stevens photograph we have under investigation as well.

Mr. NAGY. That is still working.

The CHAIRMAN. What specifically can you tell us with respect to the three-person photograph? What is your evaluation of that at this point?

Mr. SHEETZ. After a lot of on the ground work this summer and continuing efforts on the ground now and in Vietnam, and indeed, around the world, we are unable to say where that photograph originated.

The families remain fully committed that their identifications are operative. I mean, those are their men in their view. And as long as they feel that way, we have to keep that as a number one priority.

The CHAIRMAN. Now when you say you have to keep it as a number one priority, several families have identified, have they not?

Mr. SHEETZ. Well——

The CHAIRMAN. I mean, you have competing families claiming these people.

Mr. SHEETZ. There have been two other families that have indicated that the middle individual appears to them to possibly be their missing family member.

The CHAIRMAN. Now you have, I take it, in the enhancement, these men carrying weapons. Is that accurate?

Mr. NAGY. Senator, if I might, you do not even need to enhance the photograph to see the possibility or what appears to be three rifle butts down in the lower left-hand corner of the photo, two or three. I mean, they appear to be rifle butts.

The CHAIRMAN. And the individual who provided the other photographs that have been since discovered in the Soviet magazines, provided this? You have not yet been able to locate him, is that correct?

Mr. SHEETZ. One of the key individuals is basically, he's unavailable and our information——

The CHAIRMAN. Colonel Cole, I think, has some input on this.

And Colonel, if you want to come up, that is fine.

Mr. NAGY. Would the Colonel still be under oath, Senator?

The CHAIRMAN. Yes.

Colonel COLE. Excuse me, Senator. The ceramic tile merchant in Kampongsom who went underground after our initial investigation interview in late July, we believe is a key player in this. The Thai police are assisting us in locating this man. They believe they're going to find him, it's just a matter of time.

We think he's a key part of it, sir.

The CHAIRMAN. And has he been involved in prior supply of photographs?

Colonel COLE. Not that we know of, sir, just with this particular group.

Now there are his colleagues in Trat' in Thailand where you make the smuggling runs from Kampongsom to Trat', back and forth. There are some known previous, if you will, scam artists involved there. There's an x-ray technician who has been involved on other cases.

The CHAIRMAN. Have Thai authorities agreed to bring charges against these people?

Colonel COLE. Sir, we have not asked for charges. We have not proceeded that far on the legal standpoint. We've only asked for their assistance in making this man available for questioning, sir.

That probably is a possibility. But we haven't gone that far, sir.

The CHAIRMAN. Is that advisable as a policy? I do not know if you want to comment on that.

Colonel COLE. Sir, I'm not prepared to comment now simply because I'm not sure it is a violation of Thai law. I haven't researched the legal implications yet. We can pursue that if it looks like that is our only recourse.

Mr. SHEETZ. I think we are just pleased that the Thai authorities are willing to work with us.

The CHAIRMAN. Well, let me express the gratitude of the Senate and the Committee, obviously, I think the Thai authorities are to be thanked for their willingness to be helpful here. And I also know the Cambodians were particularly helpful. And I think those are extremely promising signs and we are delighted with that kind of cooperation, obviously. And I think it makes a great deal of difference.

Well, gentlemen, the hour is late and it has been a long day. You are not, any of you, going anywhere, we hope, soon. And so we can pursue other matters as we will. And as you know, there are some matters we left unexamined here.

I want to say for the public record that the fact that the Committee leaves something unexamined at this point in time does not mean that it will not be public if appropriate at a later point in time.

I have said since the beginning that the Committee is committed to the notion of openness. Obviously, we are not going to help this if we start becoming part of the problem by secreting things away. But the Committee is going to try to guarantee, as Senators and members of one of the branches of Government, that we are not destructive of the process by seeing things released that do compromise national interest somehow. National interest in terms of sources and means and not in terms of prior defined interest 15 years or 20 years ago.

And I think the composition of this Committee is such that people can have a good sense of trust that the Committee as a whole is not going to operate contrary to that interest.

Do you have anything you want to add to clarify? I know Dr. O'Grady made some fairly strong comments. I do not know if you want to address any of those at this point in time, any of you.

Mr. SHEETZ. I think whatever comments we would want to make would probably be best saved for the wrap-up session tomorrow.

The CHAIRMAN. Fine. We appreciate that very much. We are very appreciative to you for the time you have put into this and Mr. Trowbridge, a lot of years and a lot of effort. And we certainly respect that very much.

Thank you very much. We are adjourned until, I believe, 9:30 tomorrow morning.

[Whereupon, at 7:35 p.m. the Committee adjourned, to be reconvened at 9:30 a.m., Thursday, November 7, 1991.]

POW/MIA POLICY AND PROCESS

THURSDAY, NOVEMBER 7, 1991

U.S. Senate,
Select Committee on POW/MIA Affairs,
Washington, DC.

The Committee met, pursuant to notice at 9:30 a.m., in room SH-216, Hart Senate Office Building, Hon. John F. Kerry, (Chairman of the Committee) presiding.

Present: Senators Kerry, Smith, McCain, Brown, Grassley, Kohl, Helms, Kassebaum, Reid, Robb, and Daschle.

OPENING STATEMENT OF HON. JOHN F. KERRY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

The Chairman. The Senate Select Committee on POW/MIA will come to order.

Mr. Usry, before you sit down, why don't you just save some time here, and raise your right hand?

Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Usry. I do.

The Chairman. We are conducting today the third day of our initial hearings on the POW/MIA issue. And I repeat very briefly that the purpose is to set out the parameters and lay the foundation for this investigation.

I think we have had a very interesting and informative first 2 days. And today we hear from a number of those who are critics of the process thus far, and we will finally wind up with a return panel from the Administration to address some of the statements of concern and allegations that are made by those who are critics of the process. And then I will have a word to say about where the Committee goes from here.

Senator McCain, do you have any opening comment you wish to make?

Senator McCain. No.

The Chairman. Mr. Usry, if you would identify yourself and share with us your opening statement, please.

STATEMENT OF TRACY USRY, CHIEF INVESTIGATOR, SENATE FOREIGN RELATIONS COMMITTEE, REPUBLICAN STAFF, POW/MIA ISSUE

Mr. Usry. Mr. Chairman, my name is Tracy Usry. I'm the Chief Investigator for the Senate Foreign Relations Committee, Republican Staff, responsible for the POW/MIA issue.

Mr. Chairman, Members of the Committee, let me thank you for the opportunity today to address you.

As I said previously, I am presently employed by the Minority Staff, U.S. Senate Foreign Relations Committee as an investigator. Since September 1989, I have been the chief investigator responsible for the legislative inquiry regarding the Prisoner of War/Missing in Action issue.

The investigative staff for this inquiry are highly trained professionals with a total of more than 68 years of investigative experience in the Executive Branch, including criminal investigative experience, as well as more than 17 years of experience in intelligence analysis. In addition to investigative staff, there are minority staff, as well as concerned individuals providing assistance in this inquiry.

This inquiry was initiated in September 1989 when Senators Helms and Grassley were concerned as to why a good portion of their constituents, as well as others, felt the Government's handling and position on the POW/MIA issue was suspect.

As one family member indicated, and I quote, "I don't trust the government. They lied to me in 1968 when my husband was declared missing and they have been lying to me ever since," unquote.

Our investigative effort resulted in the publication of "An Examination of U.S. Policy Toward POW and MIA's." Our conclusions in this report include that "any evidence that suggested that an MIA might be alive was uniformly and arbitrarily rejected, and all efforts were directed toward finding and identifying remains."

Further, we had previously found "the executive branch has failed to address adequately the concerns of the family members of POW/MIA's and has profoundly mishandled the POW/MIA issue."

Mr. Chairman, at this time I would like to request that this report that I reference, prepared by the U.S. Senate Committee on Foreign Relations, Republican Staff, be entered into the record.

The CHAIRMAN. Without objection, so ordered.

[The material referred to may be found on p. 106–226 of the appendix.]

Mr. USRY. The report was a result of interviewing in excess of one hundred people, reviewing in excess of 3,000 documents, which consisted of classified, declassified and unclassified government documents such as First-Hand Live Sighting Reports, both classified and declassified; the Defense Intelligence Agency's "Uncorrelated Live-Sighting Reports," published in 1978; classified as well as declassified Central Intelligence Agency reports; classified and unclassified Department of State reports; reports both classified and declassified from the various military intelligence organizations within the uniform services; unclassified internal memos from Presidential administrations, dating from 1972 forward, as well as individual casualty reports provided by families of those missing in action.

In most instances, when the staff requested assistance from the Defense Department, the assistance was belated and begrudging at best. It routinely took in excess of 30 days for the reply, when in most instances the reply was in the negative.

The most controversial example was access to the classified first-hand live-sighting reports. Access was initially denied on the grounds that it was a request to review classified documents. Yet the Senators, as well as pertinent staff, had clearances far exceeding the material to be reviewed.

Access became such an issue that Ann Mills Griffiths, the Executive Director of the National League of Families wrote a memo to the Defense Department stating that access to these documents should be denied.

It would seem strange for anyone to take such a stand since all that was intended was to ensure that the government was doing everything that it could on the issue. This is the stated purpose of the National League of Families.

Additionally, some of the critics of the government's actions on this issue are members of the National League of Families. I might add that Ms. Griffiths, although not a member of the government, has routine access to these documents.

When access was finally granted, the conditions of access were so restrictive that we were able to review the live-sighting reports only during a 4-day period. The Defense Department decreed that Senators and staff could review the documents only so long as the Senators themselves were present.

This is directly contrary to normal Defense Department procedures in which DOD staff normally review documents and prepare a report or identify pertinent information for their superiors to review at a later date.

The results of those live-sighting documents indicated the following: Analysis of live-sighting reports in many instances were closed prematurely when additional work could have affected the negative conclusion; the summary and conclusions prepared by the analyst in many instances did not always accurately portray the information in the raw intelligence; arbitrary conclusions were made, not based on the pertinent facts of the case; Congressional inquiries made on behalf of constituents were not accurately answered.

In some of the cases reviewed, the answer on the part of DIA had little resemblance to the available information in their files. Certain personnel within the POW/MIA office of the DIA reached conclusions on issues regarding live-sighting reports to which they were not qualified to do so.

Because of budget and time constraints, we were unable to investigate further certain relevant problems, which I'd like to add, or provide to you.

The first is, attempts by the administration to infiltrate private activist groups; illegal surveillance and investigation of individual activists of this issue by the Department of Defense; questionable identifications by the Armed Services Graves Registration Office; questionable liaisons between administration, activist and identified members of organized crime; the failure of DIA to address the MIA/POW issue for World War II and Korea; sanctioned rescue missions by the Department of Defense after 1973; problems with the operation of the Central Identification Laboratory, Hawaii, including the utilization of unscientific methods to identify remains, USACIL personnel lying to previous Congressional Committees;

and a premature closure of a criminal investigation by the U.S. Army Criminal Investigation Command concerning USACIL.

The substantiation of even a portion of the allegations would have been an embarrassment to the Department of Defense.

In summation, I would like to state for the record that I believe this issue can be resolved successfully. It is imperative that this Committee review what the government historically has failed to do or has done poorly; for in the past exists the answer to the question, "Did we leave men behind?"

Thank you.

[The prepared statement of Mr. Usry follows:]

Prepared Statement of Tracy Usry

Mr. Chairman, Members of the Committee, let me thank you for the opportunity to address you today.

I am presently employed by the Minority staff, U.S. Senate Foreign Relations Committee as an investigator. Since September 1989, I have been the chief investigator responsible for the legislative inquiry regarding the Prisoner of War/Missing in Action (POW/MIA) issue. The investigative staff for this inquiry are highly trained professionals, with a total of more than 68 years of investigative experience in the Executive Branch, including criminal investigative experience, as well as more than 17 years of experience in intelligence analysis. In addition to investigative staff, minority staff as well as concerned individuals provided assistance in this inquiry.

This inquiry was initiated in September 1989, when Senators Helms and Grassley were concerned as to why a good portion of their constituents as well as others, felt the Government's handling and position on the POW/MIA issue was suspect. As one family member indicated "I don't trust the government, they lied to me in 1968 when my husband was declared missing, and they have been lying to me ever since".

Our investigative effort resulted in the publication of "An Examination of U.S. Policy Toward POW/MIA's". Our conclusions in this report include that "any evidence that suggested that an MIA might be alive was uniformly and arbitrarily rejected, and all efforts were directed toward finding and identifying remains." Further, we had previously found "the executive branch has failed to address adequately the concerns of the family members of POW/MIA's, and has profoundly mishandled the POW/MIA problem."

Mr. Chairman, I request that this report, prepared by the U.S. Senate Committee on Foreign Relations, Republican staff be entered into the record.

The report was a result of interviewing in excess of one hundred people, reviewing in excess of 3,000 documents, which consisted of classified, declassified and unclassified government documents such as: First Hand Live Sighting Reports, both classified and declassified; the Defense Intelligence Agency's "Uncorrelated Live-Sighting Reports," published in 1978; classified as well as declassified Central Intelligence Agency reports; classified and unclassified Department of State reports; reports both classified and declassified, from the various Military Intelligence organizations within the uniform services; unclassified internal memos from Presidential administrations, dating from 1972 forward, as well as individual casualty reports provided by families of those missing in action.

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It would seem strange for anyone to take such a stand since all that was intended was to ensure that the government was doing everything that it could on the issue. This is the stated purpose of the National League of Families. Additionally, some of the critics of the government's actions on this issue are members of the National

League of Families. I might add that Ms. Griffith, although not a member of the government, has routine access to these documents.

When access was finally granted, the conditions of access were so restrictive that we were able to review the live-sighting reports only during a 4-day period. The Defense Department decreed that Senators and staff could review the documents only so long as the Senators themselves were present. This is directly contrary to normal Defense Department procedures, DOD staff normally review documents and prepare a report or identity pertinent information for their superiors to review at a later date.

The results of the review indicated the following:

1. Analysis of live-sighting reports in many instances were closed prematurely, where additional work could have affected the negative conclusion.
2. The summary and conclusions prepared by the analyst in many instances did not always accurately portray the information in the raw intelligence.
3. Arbitrary conclusions were made, not based on the pertinent facts of the case.
4. Congressional inquiries made on behalf of constituents were not accurately answered. In some of the cases reviewed, the answer on the part of DIA had little resemblance to the available information in their files.
5. Certain personnel within the POW/MIA office of the DIA reached conclusions on issues regarding live-sighting reports to which they were not qualified to do so.

Because of budget restraints, we were unable to investigate further certain relevant problems, including the following:

1. Attempts by the administration to infiltrate private activist groups.
2. Illegal surveillance and investigation of individual activists of this issue, by the Department of Defense.
3. Questionable identifications by the Armed Services Graves Registrations Office (ASGRO) board.
4. Questionable liaisons between administration, activist, and identified members of organized crime.
5. The failure of DIA to address the MIA/POW issue for World War II and Korea.
6. Sanctioned rescue missions by the Department of Defense after 1973.
7. Problems with the operation of the Central Identification Laboratory-Hawaii (USACIL–HI) including:

Unscientific methods used to identity remains;

USACIL–HI personnel lying to previous Congressional committees; and

Premature closure of a criminal investigation by the U.S. Army Criminal Investigation Command. The substantiation of even a portion of the allegations would have been an embarrassment to the Department of Defense.

In summation, I would like to state for the record that I believe this issue can be resolved successfully. It is imperative that this Committee review what the government historically has failed to do, or has done poorly. For in the past, exists the answer to the question "Did we leave men behind"?

The CHAIRMAN. Thank you very much, Mr. Usry.

Let me just say that I think that everyone respects your commitment to this issue. You have certainly put a lot of time and energy into it.

One of the questions I have, having looked at the report, is, and I do not want to say this sweepingly about the report, but there are some statements that I think sort of leap to a conclusion that may be overly encompassing in nature.

Let me give you an example, for instance. On page 5–3 to 5–4 you talk about the issue of the prisoners left in Laos, and you make the following statement, quote, "Notwithstanding the fact that no U.S. POW's held by Pathet Lao forces have ever been repatriated." I believe that is on page 5–4, down in the last paragraph.

"These statements were made notwithstanding the 80 men cited by Henry Kissinger held by the North Vietnamese, and notwithstanding the fact that no U.S. POW's held by the Pathet Lao forces have ever been repatriated."

But, in fact, it is true, is it not, that nine Americans were turned over to the U.S. in 1973 from Laos, who were nominally Pathet Lao prisoners? Those were counted as repatriated from Laos.

Mr. USRY. Sir, it's my understanding that the nine people—the nine prisoners that were repatriated were, in fact, taken by Vietnamese military and then transferred to Hanoi for the release.

The CHAIRMAN. But they were nominally Pathet Lao. I mean, what I am saying is, you see, this is where the confusion enters into it. They were considered to be, I believe, held by Pathet Lao and were considered—I see heads shaking over here. That is not accurate?

Mr. USRY. Sir, those particular nine prisoners were taken—actually taken prisoner, it's our understanding, by the North Vietnamese in Laos, and therefore really were never in the hands of the Pathet Lao.

The CHAIRMAN. OK. Well, the larger point is that we have met with Ambassador Sullivan a few days ago. He will be testifying incidentally down the road here. But what he really said was that, quote, "The Pathet Lao were a figment of Hanoi's imagination, a Potemkin regime, just a few people who ran operations. The North Vietnamese really ran everything. The POW's shot down in Laos were transferred to Vietnam and nine were held just to say that the Pathet Lao had some. The border was really irrelevant."

Did you examine that perception of what really existed then?

Mr. USRY. No, sir. We didn't go into the in-depth specifics as to what political party was actually operating at the time in Laos. From the information that we reviewed, it indicated to us that although there were North Vietnamese Communists and Pathet Lao in Laos, those particular nine people were, in fact, prisoners of the North Vietnamese.

The CHAIRMAN. Well, see, I think there is a lot of confusion about it, which is what we have to sort through, and I think that without talking to Sullivan or without talking to other people, it just strikes me that there is an incompleteness.

I am not challenging the whole report at all. I think you have some very, very sound and good stuff in here and there is no question obviously about the relationship that has existed, sort of adversarily, in trying to get this information. But I think this raises some questions which the Committee is going to have to do further work on before one can really draw a conclusion.

I, at least, am confused about who held whom with respect to Laos and what the reality of the Pathet Lao was at that time, and I think the Committee is going to have to try to sort that out before we can make a declarative statement that X were turned over or none were turned over, because it is not clear to me that we really know yet.

Do you sense the disparity there? I mean, if Bill Sullivan, whom I am sure you recognize as pretty knowledgeable about the area, since he was over there and was part of the talks, et cetera, says these guys were not real and you are talking about a country of 70 million people versus 3 million people, and we all know the North Vietnamese had massive numbers of forces up there, and basically we are controlling the entire border area, there was really a fiction about the existence of Pathet Lao.

So I think that needs to be sorted out, is all that I am suggesting here.

Let me ask you if, based on what you heard yesterday and the day before, and based on what Secretary Cheney has set forth, Secretary Carl Ford has set forth, the DIA through Mr. Nagy and company has set forth, are you encouraged now that there is, in fact, a different relationship and that there is an ability to get the answers that you and others have been seeking?

Mr. USRY. Sir, I don't know if you're aware of it, but I'm a retired Army officer with 22 years in the Army. And, in those 22 years, I have seen repeatedly where the people at the head of the organization or the head of the command have routinely pledged undying support and cooperation in every way, and I'm sure that they greatly mean that.

However, when that gets down to worker level, sometimes that degree of cooperation is watered down. I certainly believe what Secretary Cheney said, what the Defense Intelligence Agency said, and what everyone else or anyone else that testifies here on the part of the Administration says concerning support.

However, when it gets down to the lower level, sometimes that cooperation is watered down and that has been our experience already in the past 2 years, when we die this inquiry.

The CHAIRMAN. So the proof will really be in the pudding, obviously?

Mr. USRY. Yes, sir.

The CHAIRMAN. But do you sense that the framework that has been put in place with General Christmas and the new command structure and the assignment of personnel is adequate to do the job at this point?

Mr. USRY. I believe that is a portion of what is necessary to do the job, yes, sir.

The CHAIRMAN. What more do you think is necessary?

Mr. USRY. Well, I think that the work set forth by this Committee, along with the cooperation pledged by the Defense Department and the Administration, hopefully, will be what's necessary to resolve the issue.

Without looking at what has come to pass, and what has dropped through the cracks, regardless of what is done now, that is not going to resolve those problems in the past which impact on this issue.

The CHAIRMAN. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

Mr. Usry, one of the results of your review indicated that arbitrary conclusions were made, not based on the pertinent facts of the case. Is the case of Lt. J.G. James Dooley, one of the examples that you give in your report, what leads you to the result that indicates that arbitrary conclusions were made, not based on the pertinent facts of the case?

Mr. USRY. Yes, sir.

Senator MCCAIN. Well, Mr. Usry, you just happened to have touched on a personal experience of mine and I can tell you you are way off base. You state in your live-sighting reports—as part of your rationale for saying that Lt. Comdr. James Dooley was alive—that there was an improper evaluation. For example, two Thai special forces released from North Vietnamese custody in 1973 identified Dooley's photograph as a fellow inmate.

Mr. Usry, are you aware of the fact that we were in constant communication with these two Thai special forces; in fact, they were with us at the end?

Mr. USRY. I don't understand what you mean by us, sir.

Senator MCCAIN. By the other American POW's.

Mr. USRY. No, sir, I was not.

Senator MCCAIN. You were not aware of that. Were you aware that if there had been any information concerning Lieutenant J.G. Dooley or then Lt. Comdr. James G. Dooley, they would have communicated it to us?

Mr. USRY. No, sir, I'm not aware of it.

Senator MCCAIN. You were not aware of that. Well, if you were not aware of that fact, Mr. Usry, you did a very incomplete job, because you could have asked any one of the POW's, former POW's, or anyone who was involved in the issue, and learn that our primary goal was to keep track of all the names of anyone that we had any information about.

So your allegation that the two Thai special forces identified Dooley's photograph as a fellow inmate is false. "Finally, a propaganda photograph of captured U.S. pilots in Hanoi dated after Dooley was shot down shows a partial profile of a person that strongly resembles Dooley." What photograph was that?

Mr. USRY. Sir, if you would submit that question for the record, I would be more than happy to answer it after I consult my notes.

Senator MCCAIN. You made a very serious allegation here, Mr. Usry, and I am surprised that you would not even know what photograph it is.

Mr. USRY. Well, I think the difference between your information and my information, sir, is, one, your information is firsthand and mine is secondary, dependent upon other people.

However, you have only brought in two examples concerning the Dooley issue and there are more than those that caused us to come to the conclusion that we did.

Senator MCCAIN. "A U.S. POW who had been repatriated said he saw Dooley's name written on the wall of a prison cell in Hanoi." Who was that POW?

Mr. USRY. That information has not been provided to us because the Department of Defense, at the time we were doing this inquiry, would not share any information concerning POW's with us unless there was a Senator present with us at the time we were going through the documents.

The Senators' schedules precluded us from looking at those documents for more than a 4-day period.

Senator MCCAIN. So your allegation——

The CHAIRMAN. Will you yield for a minute? I'm confused by that.

Senator MCCAIN. So his allegation basically, Mr. Chairman, has been relayed to him with no basis in fact.

Mr. USRY. I don't agree with that statement at all, Senator.

Senator MCCAIN. What facts do you have to back up your allegation that a U.S. POW who had been repatriated said he saw Dooley's name written on the wall of a prison cell in Hanoi?

Mr. Usry. Besides that information, which was provided to us by family members, there was additional information provided to us by the particular prisoner that the instance was accredited to, and in the interview with him, the circumstances described were so out of whack to what actually happened to him that what we're saying is that what was attributed to—I believe it was Commander Hickerson, could have very easily also have been attributed to Lieutenant J.G. Dooley at the time of his loss. The arbitrary conclusion was, based on JCRC or Defense Intelligence Agency who had indicated to Mr. Hickerson, when he shared some years later his experiences and said that it was not him as DIA had indicated, made the comment to Mr. Hickerson was, "Well, that may be, but we're going to attribute it to you anyway and it really doesn't matter."

Senator McCain. That has nothing to do with my question, Mr. Usry. That was very illuminating. It has nothing to do with my question. My question was: Where did you get the information that a U.S. POW, which you state as fact in your report, said he saw Dooley's name written on the wall of a prison cell in Hanoi?

Mr. Usry. That's in the information that's provided to the family members, and I would be more than happy to research that and provide you an answer for the record, Senator.

Senator McCain. In other words, you do not know at this moment?

Mr. Usry. I don't know every nuance of this report in my head at this particular time, since it was published in May, no, sir.

Senator McCain. I have now covered three or four of your allegations. You have no information about them, but you are willing to publish them as fact, when clearly you do not have a basis in fact.

Mr. Usry. Sir, I don't believe I said I did not have the information. I believe that I said I would be more than happy to research the information in our files and provide it to you.

Senator McCain. "The information that Dooley was alive began to surface. In 1973, a U.S. POW who had been repatriated said he saw Dooley's name written on," you do not have that information right now?

Mr. Usry. No, sir, because I have 10 file drawers full of information, and, again, if you submit that for the record, I would be more than happy to research that and provide it to you.

Senator McCain. You have 10 file drawers, but you have had enough information to make a report from the Minority Staff to the American people, alleging these as fact, and yet you have to provide the answers for the record, one, that a U.S. POW had been repatriated, said he saw Dooley's name written on the wall of a prison cell in Hanoi; two, Thai special forces soldiers released from North Vietnamese custody in 1973 identified Dooley's photograph as a fellow inmate.

Do you have any factual information on that?

Mr. Usry. With me?

Senator McCain. Any knowledge of that fact.

Mr. Usry. Again, I will address the statement I made earlier.

Senator McCain. I see. And, finally, "A Communist propaganda photograph of captured U.S. pilots in Hanoi, dated after Dooley was shot down, shows a partial profile of a person that strongly resembles Dooley." Do you have any knowledge of that?

Mr. USRY. I have the photograph.

Senator MCCAIN. You have the photograph?

Mr. USRY. I do.

Senator MCCAIN. Where is that photograph?

Mr. USRY. It's up in my office.

Senator MCCAIN. Yet neither the DIA nor any government agency has that photograph, according to them.

Mr. USRY. Well, that may very well be the case, keeping in mind that not all information concerning all missing prisoners goes to DIA because there's a lack of the faith in the way they have operated in the past.

Senator MCCAIN. I see. It goes to you?

Mr. USRY. Some of it does on occasion, yes, sir.

Senator MCCAIN. Like your trip to Thailand that you just took?

Mr. USRY. That's correct.

Senator MCCAIN. Tell me about that trip, would you, Mr. Usry?

Mr. USRY. Are there any thing specific you would like to know or would you like to start from the beginning?

Senator MCCAIN. I would like for you to answer the question. I said tell me about the trip. That is what I would like for you to do, Mr. Usry.

Mr. USRY. Sir, I would be more than happy to provide you the briefing that I provided to the Secretary of Defense which led to the trip, if you're interested.

Senator MCCAIN. The Secretary of Defense says that absolutely nothing was gained from that trip.

Mr. USRY. Well, that's his opinion, sir. I don't necessarily agree with that. There is still a questioned photograph.

Senator MCCAIN. That necessitated a trip to Thailand?

Mr. USRY. That's correct.

Senator MCCAIN. What did you do there, Mr. Usry?

Mr. USRY. We contacted the individual who provided a photograph which, after forensic examination, indicated it might possibly be, or in the words of the forensic anthropologist, "was, in fact, Lieutenant Commander Stevens." The individual was polygraphed and the results were that he wasn't telling the truth about anything other than he had obtained the photograph from a Vietnamese.

Senator MCCAIN. So at least according to Secretary Cheney, he was lying?

Mr. USRY. That's correct.

Senator MCCAIN. I see. Mr. Chairman, the witness obviously, in my view, is acting in such an adversarial fashion that I am not really going to get any good answers from him, so I will not ask any further questions.

I thank you, Mr. Chairman.

Mr. USRY. Mr. Chairman, I'd like to make a statement for the record.

The CHAIRMAN. Absolutely.

Mr. USRY. I believe that I offered you the opportunity to have the same briefing that I had provided to Secretary Cheney to start the information concerning the trip to Thailand, and I'm prepared to do that. I am here presently just for that reason. So I don't understand how this is an adversarial comment.

Senator McCain. Who did you offer it to, Mr. Usry?

Mr. Usry. I just offered it to you, Senator McCain.

Senator McCain. You mean right now?

Mr. Usry. Yes, sir.

Senator McCain. I see. Thank you, Mr. Chairman.

The Chairman. Senator Reid.

Senator Reid. You make a historical case for the Soviet Union being involved in accepting American POW's from Vietnam. What evidence do you have to support this, because I have asked a number of the witnesses we have had the last few days if they have any information to this effect, and they say no?

Mr. Usry. Part of the information comes from statements made by a Mr. Gerald Mooney, who is a former NSA analyst.

Senator Reid. What statements did he make?

Mr. Usry. He's provided affidavits off and on for the past several years that he tracked a group of prisoners that were, in fact, bound for Moscow and he made that——

Senator Reid. Bound to Moscow?

Mr. Usry. Bound to Moscow from Southeast Asia, yes, sir.

Senator Reid. What do these affidavits say?

Mr. Usry. Basically that he tracked a group of prisoners and that because of their particular skills they were transferred to Moscow. That same information has recently come out in an October 27 publication in the L.A. Times in their Sunday Section of the L.A. Times Magazine that again states the same thing, along with another individual who was at the time employed by the National Security Agency, and his name is Terry Minarcin and he makes the same statement.

Senator Reid. These statements are that there were prisoners of war in Vietnam and because of their specialized skills, they were sent to the Soviet Union?

Mr. Usry. That's correct, sir.

Senator Reid. How many prisoners were sent?

Mr. Usry. Right now I'd be pulling it off the top of my head. However, I believe that it was mentioned somewhat in excess of 200, but I'm not accurate on that, and I'd have to look at the documents again and provide it for the record.

Senator Reid. This man worked for whom, did you say, that gave all these affidavits?

Mr. Usry. They were analysts in the military——

Senator Reid. You mentioned one man's name.

Mr. Usry. That was Jerry Mooney. He was an analyst in the military, specifically the U.S. Air Force, and at the time he was assigned to various posts with the National Security Agency, both in Southeast Asia and then later at Fort Meade, MD.

Senator Reid. Are any of these affidavits that he prepared based upon personal knowledge of these prisoners? Meaning, did he see any of the prisoners?

Mr. Usry. No, sir. They're based on the radio intercepts that he would be responsible to analyze, and those radio intercepts involved communications within the North Vietnamese military organizations.

Senator Reid. Then you indicated that there was an article last month in the L.A. Times?

Mr. USRY. Yes, sir, on October 27, the Sunday edition.

Senator REID. That was based upon Mooney's information?

Mr. USRY. Mooney and Minarcin. Minarcin was a subordinate of Mooney, working for Mooney at the time.

Senator REID. They both agree?

Mr. USRY. Yes, sir.

Senator REID. Do you know where those two men are now?

Mr. USRY. I believe that Mr. Mooney is in Montana and Mr. Minarcin is in the State of Washington.

Senator REID. They're both out of government service?

Mr. USRY. Yes, sir, they're both retired—or I don't know whether Minarcin retired or just left the service, but Mr. Mooney did, in fact, retire from the Air Force.

Senator REID. Does Minarcin say anything different from Mooney or did they both say basically the same thing?

Mr. USRY. There is a little bit difference, and the reason for that is Minarcin ended up staying involved in the issue longer than Mooney did, but basically it's the same information.

Senator REID. Has there been anything done, to your knowledge, to follow up on whether or not these men are credible?

Mr. USRY. In what way? By our Committee, sir?

Senator REID. By anybody that you know of.

Mr. USRY. I'm not aware of anyone else, other than different activist organizations and the media interviewing either Mr. Mooney or Mr. Minarcin, besides myself.

Senator REID. Because the statement, as you know, is alarming. To think that there would be 200 prisoners of war shipped off to the Soviet Union of whom now some 20 years later we have no knowledge whatsoever, even though relations during the past 10 years have changed dramatically between the Soviet Union and the United States.

Mr. USRY. I would have to agree with you on that. Even more alarming, sir, is the fact that Vietnam is not the only time that the Soviet Union has received our prisoners of war. There is an overabundance of information concerning American prisoners of war being taken by the Soviet Union after World War II.

Senator REID. I have read that report. Of course, the charge of this Committee is not with what went on in the Second World War, it is what has gone on during the past 20 years in Southeast Asia, and I think that's what we have to focus on.

My question is that it is alarming, or for lack of a better word, startling, to think that, in effect, we would not be able to see, hear from, talk to any one of those 100 to 200 people who were in the Soviet Union, which is now a society that is not behind the Iron Curtain.

Mr. USRY. I agree with you, Senator.

Senator REID. So do you think that the Mooney and Minarcin statements are factual?

Mr. USRY. I have no reason to doubt what they have said thus far. I see no reason that they could gain anything personally from making that kind of statement, other than total embarrassment, if it were proved to be untrue.

Senator Reid. How do you account for the fact that there is no independent evidence, or that no one has seen, talked to, or heard from these 200 plus people in the 20 odd years since that time?

Mr. Usry. Sir, I don't know that that's necessarily the case honestly. Not having seen what is available within the archives or in the intelligence communities within the administration, I don't know that, in fact, that has not occurred.

Senator Reid. What motive would anyone working for this government, military or otherwise, have to subvert or conceal that information? What would be the reason?

Mr. Usry. If little else, certainly embarrassment, and the only reason to reach this conclusion is from looking at the information from the previous wars, specifically World War II, although this is not what the Committee is looking at.

It was quite apparent that there was an overabundance of information that American prisoners of war were taken at that particular time by the Soviets. Other than an occasional inquiry on the part of a Congressman due to a constituent's concern, little or nothing came of it. There certainly is an overabundance of information to indicate that.

So for that same thing to have occurred in Vietnam by our government is not unreal, because I would think that they have already established a historical precedent in the way they handled it.

Senator Reid. I'll conclude, Mr. Chairman.

It is your statement that the only reason for concealing this would be some type of a conspiracy or silence because it would embarrass the government if any knowledge came out that there were prisoners in the Soviet Union?

Mr. Usry. I would certainly state that it would be an embarrassment to this government if that were, in fact, true. I would like to add that in that same Sunday Magazine printed October the 27th, there were interviews with KGB officials or former KGB officials that indicated they were, in fact, involved in the interrogation of American soldiers.

Again, I'd have to research it for the record, but I believe one of the KGB officials who is a former colonel, indicates that he was still interrogating American soldiers or knew of the interrogation of American solders in Vietnam as late as 1974.

Senator Reid. Thank you, Mr. Chairman.

Mr. Usry. Thank you, Senator.

The Chairman. Thank you very much.

I might add, one of the great difficulties here is that here we have sitting next to me a former POW, who spent an awful long time there, who knows about as much about this as anyone from firsthand experience, and he was never interrogated by Soviets, nor were any of the people that he knew of interrogated.

Is that correct?

Senator McCain. Cubans, but not Soviets that we know of.

The Chairman. On the other hand, that does not mean that in certain areas there were not Soviets. I have read the article, it's a very interesting article, and the Committee is going to pursue that whole question of the Soviet angle to determine whether in those Laotian camps where the Soviets were present, because they were across the border, there was not a capacity for some people there to have done it. It is a legitimate question.

I do not want to suggest—all I am saying is that it is a puzzlement that it was so reserved to a particular locale.

Mr. Usry. Excuse me, Mr. Chairman?

The Chairman. Yes?

Mr. Usry. I believe you will also find some of that similar information in the files of the Defense Intelligence Agency.

The Chairman. Senator Daschle.

Senator Daschle. I think there is an important procedural question that we have to consider here. We are charged, among all of our responsibilities, with trying as best we can to separate conjecture from fact, and I think that it is extremely important. We are already putting everybody under oath, and I think the second thing we ought to do for the record, with all of our witnesses, when they make statements that they present as fact, that we ask that all relevant data to support their statement of fact be entered as part of the record.

I think that it is critical, in this case, that it be done. I am not sure we have satisfied my desire to do that in this case. I would hope that all of the requests made for additional data and all the information volunteered by Mr. Usry, be made part of the record at the earliest possible date.

I always think of things as being put in the record at some date in the distant future. In fact, I would like to see it tomorrow. I would like to see it as soon as you can provide it, because it may have a lot to do with other questions that I may want to ask other witnesses.

So, to the extent that you can get us that information you say is in your office or wherever, I would like to be able to follow up. I think we ought to demand of all witnesses, when they say they have things available—I would tell them ahead of time, "If you think you have justification for the things you are saying, we do not want you to leave it in the office when you come before the hearing, we want you to bring it with you."

You were not briefed, I am sure, in that regard, so I am not faulting you for doing that, but I hope future witnesses, even if it takes a wheelbarrow, I want them to bring it to the microphone so we do not have to say, "Well, we have it in the office and we are going to have to wait to get it back."

I would like to see it brought and I would like us to be able to analyze it. I would like us to ensure that when things are said as a statement of fact, that there is some kind of justification for it.

The Chairman. Senator Daschle, your point is extremely well taken, and, in fact, it has been previously discussed by the Committee, and let me just inform you that it is because Mr. Usry works for the Senate and, in fact, he was in his capacity as working for the Senate that he has set forth this report, that it is being made part of the record now in this way.

However, this is why we have said that most of the work of the Committee will not be done in hearings; most of the work of the Committee will be done from this point forward through depositions, interrogatories, interviews and so forth, so that when people come to the hearing this Committee will have a story that it feels a certainty about telling based on documentation that the Committee will have reviewed at that time.

What we are doing here is really setting out the parameters of this, but I think it is a fair inquiry.

Mr. Usry, let me ask you this——

Senator DASCHLE. Mr. Chairman, could I——

The CHAIRMAN. It disturbs a lot of people that there are items that the DIA is not aware of or does not have or that there are things that have come through separate files that perhaps are not available elsewhere, so I take it that you will turn over to the Committee any documents or any supporting materials or any evidence that you have that would shed light on this issue as a whole?

Mr. USRY. Absolutely.

Senator DASCHLE. Mr. Chairman, my concern——

The CHAIRMAN. Senator Robb wanted an intercession. Let me just recognize Senator Robb. This will not come out of your time, Senator Daschle.

Senator ROBB. Thank you, Mr. Chairman. It again was a procedural question. It seems to me that it might be advantageous to excuse this witness and allow him to return when he has the material.

I think he clearly ought to have all of the information that Senator McCain asked for and any other information that is going to elicit the kind of questioning——

The CHAIRMAN. I think that is a good suggestion and I would be happy to do that.

Mr. Usry, since your materials are local, why do not we interrupt at this point in time, if all members are agreeable, you could——

Senator DASCHLE. Mr. Chairman, I have no objection. I think it is an excellent idea, but I have a couple of other comments I want to make in this regard.

The CHAIRMAN. The floor is yours.

Senator DASCHLE. My concern, frankly, is that if statements are made as statements of fact and they go unchallenged under oath, that lends even greater credibility to the statement. I think that we all have to be very concerned about this.

My experience in the past has been that, people come to various committees and subcommittees, under oath they say something and then that statement is used later on. "Well, he said it under oath, it has to be true. No one challenged him, there was nobody to confront that."

So, I think it is important that we have the opportunity to analyze this.

Mr. Usry, you made some other statements—and I hope when you do come back we can address them. There are two concerns here: One concern obviously is your deep dissatisfaction with the position by the government with regard to the status of POW's, MIA's, and I understand your concern in that regard.

You make a number of other statements that have far broader ramifications that I think also are important to discuss, and that is, the way the government has conducted itself in this process. You make several charges that I think, if they are true, have to be addressed.

Number one, attempts by the administration to infiltrate activist groups. That is a very significant charge. Second——

Mr. USRY. Excuse me, Senator.

Senator DASCHLE. Well, no, let me finish and then you can answer all of them, with whatever time I have.

Illegal surveillance and investigation of individual activists. That is a pretty significant charge.

Mr. USRY. I agree with you.

Senator DASCHLE. What I am asking, in the context that I have just stated my concern, is, we had better have ample documentation.

Third, and the one perhaps that troubles me the most here, is questionable liaisons between administration, activists and identified members of organized crime. I have to tell you, of all the things you have said, that one is perhaps most troubling of all.

Before we are willing to take any of this as fact, and I am not challenging your veracity at all——

Mr. USRY. I understand.

Senator DASCHLE. All I am saying is that before I am willing to say under oath that I accept what you have said under oath, that I just want to make sure you have ample documentation to make charges like that.

Mr. USRY. Sir, I would just like to make one statement concerning what you have just read to me. Keep in mind that those are the issues that we were aware of, that there was some degree of concern that that had, in fact, occurred, but we were not able to complete that during the time frame that we were running this inquiry.

Senator DASCHLE. But you are stating them as fact.

Mr. USRY. No, sir. I don't believe I'm stating them as fact. Let me readdress my statement. What I stated was, "Because of budget restraints we were unable to investigate further certain relevant problems including the following:"

Senator DASCHLE. But you call it a relevant problem. Now, that is a real problem.

Mr. USRY. I agree with you.

Senator DASCHLE. There is a difference between a problem, acknowledged to be a problem, and a charge that somebody may have made, an accusation, is there not?

Mr. USRY. No, sir, I don't believe so—well, let me rephrase that. I believe there is an extreme difference between stating that there is a problem and levying a charge. What I had indicated in my statement was that those were problems that had been brought to us, and that we had not had the opportunity to fully investigate. However, some of what——

Senator DASCHLE. What you are saying is, they are accusations that may or may not be founded?

Mr. USRY. No. In some instances they have already been founded. I would address one in which I indicated infiltration of activist groups by the administration, and later this morning, I believe you'll hear testimony from Mr. Sampley, in which he was hired to do exactly that. Here is a copy of his statement concerning that.

Concerning No. 2, that's a documented occurrence that the Department of Defense Inspector General did, in fact, look at and agree it had occurred. However, it was never further pursued by the Department of Defense because their indication was there was no harm meant or done.

Concerning No. 3, that, in fact, is a relevant problem. We have seen indications in which there are questionable identifications and there are family members readily available to provide you that information.

Senator DASCHLE. Since this is your testimony, I am hoping that you will provide the documentation.

Mr. USRY. That's not a problem here at all.

Senator DASCHLE. OK.

Mr. USRY. Now, the only question I would ask is that so far I have questions from Senator McCain and yourself concerning certain portions of this report. Considering that the entire documentation relevant to this report is about four file cabinets full, I need to know exactly what you're interested in seeing or would you just rather that I brought everything down here, because it is quite a bit of information.

Senator DASCHLE. You and I have been around files long enough to know that there is a lot of stuff that may not be as relevant as others. I want you to pick what you think to be the most relevant, the best supporting data that substantiates the charges and accusations that you have made in your testimony.

Mr. USRY. All right, sir.

Senator MCCAIN. We did not get to No. 4, Mr. Usry.

Mr. USRY. No. 4, questionable liaisons between administration, activists and identified members of organized crime. We have information and we have some documentation and know where further documentation exists to reflect on that particular problem, yes, sir, we do.

Senator DASCHLE. I am out of time, Mr. Chairman.

The CHAIRMAN. Is the Committee in agreement that it would be advisable to follow up on Senator Robb's suggestion and have Mr. Usry come back with the materials later in the day when we could review it?

Senator GRASSLEY. That's OK with me, except that for what I have to ask him now and to discuss with him, if there is any further information he cannot give me, I would rather have my response in writing, so I want to go through my series of questions before he leaves the table now.

The CHAIRMAN. Senator Grassley, that is your privilege. The Chair will recognize you now.

Senator GRASSLEY. First of all, I think the entire Committee needs to know how I first got acquainted with Mr. Usry. He was an employee of the Defense Department at a time when a report that was not supposed to be outside the Defense Department came to me, at least came to my attention.

It was a report on an investigation of Mark Smith, which is not relevant to this point that I am trying to make, but just so you know that over a period of 26 months now, 26 months, that eventually gets us around to a point where it is costing the taxpayers 1 and 9/10s million dollars to keep this Committee going.

I called up the Defense Department and said that I knew about this Mark Smith report and that Mr. Usry was involved in some of the investigation of it, and I needed Mr. Usry to come to my office to do nothing more than tell me what was in a government report, that is all I wanted.

I just wanted somebody personally familiar with it to brief me on it, nothing more, because at that point I did not even know that I needed that sort of briefing to know where to proceed.

He was supposed to be in my office a certain morning and somebody called my office and said they are not going to let him come until they brief him first, which is—that may be bureaucratese, but I believe that that's their way of saying to me that he cannot talk to me until somebody in the Defense Department says what he can tell me about the Mark Smith report.

So I sent word back that if he is not in my office by a certain time, I am going to go out there and I am going to meet with him. He was not in my office by that time, so I went out to get him.

The General had absented himself from his office and I talked to some low level person—I should not say low level person—I talked to a colonel.

I thought that I was going to have a big battle with the colonel, but I said, "I am in pursuit of my legislative and constitutional functions of seeking information and all I want is some information, I want nothing more, and I think Mr. Usry can contribute to that information."

I said, "I want him to brief me in my office. Can he come with me to my office?" I was shocked that they said he could, because, you know, back in 1983 I had this same problem with Chuck Spinney, and DOD was not going to let him come and talk to me, or just brief me in his office. So eventually we had to have him before two committees and eight television cameras to get the information that could have been given to me in the privacy of my office.

So I am not unfamiliar with dealing with the Defense Department on just getting basic information. Mr. Usry came to my office and briefed me and then we got into a lot of other matters and eventually Mr. Usry ended up being detailed, I believe—am I right—to the Senate Foreign Relations Committee or is there something in between there?

Mr. Usry. That's correct, sir.

Senator Reid. Just so I can understand it, at the time you were asking him to come to your office, was he in the Army?

Senator Grassley. Yes.

Were you in the Army or a civilian employee?

Mr. Usry. I was in the Army.

Senator Grassley. Anyway, I didn't know anything about Tracy Usry before then and I am not saying that I know a lot about him now. I am just saying that that is how we got acquainted and I want that to be known for the record, because that is just one example, another example, of the Defense Department just not wanting to share information.

Then, of course, I related yesterday how it took 6 weeks to get to view files in the Defense Department that they usually are willing to bring over to S407, for us to view here in the Hart Building or in the Capitol Building. We had to go over there.

Mr. Usry was one of four people, cumulative, that had 68 years of investigative and intelligence analyzing experience that was over there those 4 days I went through the files.

Mr. Chairman, can I continue, since I am the only one that wanted to question him?

The CHAIRMAN. How long do you think you are going to be in the questioning?

Senator GRASSLEY. I would say 7 or 8 minutes.

The CHAIRMAN. Well, technically we really have reserved time of 5 minutes, which other Senators have been adhering to.

Senator GRASSLEY. Then what I would like to do is go to my second round then. In other words, whatever time I use now, I will not use when he comes back before the Committee. I am not asking for more time than other members have, I am just asking for——

The CHAIRMAN. The Senator is recognized.

Senator GRASSLEY. OK. In regard to what Mr. McCain asked you, yesterday the Chairman raised the Dooley case before the panel of Mr. Nagy, Mr. Sheetz and Mr. Trowbridge. Neither of them knew any of the details of the Dooley case, even though they are responsible for such a case, and even though the report has been out for 6 months, and they are not unlike Mr. Usry, in response to Mr. McCain. They asked to provide details for the record and I do not think this is an unreasonable request. But on the other hand I think that matter is taken care of by the fact that the Committee is going to have Mr. Usry bring all of these materials to the Committee.

So I think that that will be satisfied.

Mr. Usry, you have a unique perspective of this issue compared to most of us here, because of your background as a criminal investigator. Now, of course, you are not conducting a criminal investigation; is that right?

Mr. USRY. That's correct.

Senator GRASSLEY. You were simply using the methodology of criminal investigation, as I understand it?

Mr. USRY. Yes, sir.

Senator GRASSLEY. You have now been in the political world for 2 years since you were first detailed to the Foreign Relations Committee staff. Given your experience and given your impressions of politics and how Congress investigates issues, I would like to know what advice or recommendations you would give as we embark upon this 1 year investigation.

Mr. USRY. Well, I would like to start by saying that the Senate—and I would have to limit my comments to the Senate side, because that's basically where I work, is not unlike any other large bureaucracy. Certain things take a little bit longer than maybe they should, but that's understandable, given the large and diverse responsibilities that this particular House has.

The one thing that I would urge more than anything else, and one of the things that I have seen in the past, and it's certainly not meant to in any way, shape or form embarrass anybody or speak ill about anybody or diminish an individual's capabilities, but the one thing that I would state that is most necessary in this issue for a 1 year Committee is that you must ensure that you have the best people available to do the work.

This is not a Committee in which people need to learn how to do research or to be educated in the investigative process, because if that's the case, their education will certainly be worthwhile, but it will diminish the effectiveness and the timeliness of this Committee. The greatest statement that I could make and assistance that I could offer is to ensure that the people that are on the Committee, the staff personnel, have that requisite experience in order to go through this issue, which is very, very complex, as well as voluminous, in what needs to be reviewed, so that at the end of your year you'll be able to answer the questions that are the reason why you are in existence.

Senator GRASSLEY. In your testimony you state that one of the conclusions of your May report is that the DIA rejected information about live MIA's and that all efforts were geared toward returning remains of lost ones.

I would like to have you elaborate on that and how widespread is the evidence of that conclusion.

Mr. USRY. In the 4 days that myself and others reviewed the live-sighting reports, one of the overriding problems that I noticed was an incompleteness in the files, a failure to have an organized file, and as such, be able to methodically go through and determine what needs to be done to resolve a live-sighting case.

Above and beyond that, I saw conclusions reached which had no basis in fact from the raw intelligence provided. I might add that that was not the case in every instance. However, that certainly was the case in many instances and my concern was we were not talking about somebody losing money or property not being recovered.

In this instance, when there is a mistake, and when they're perpetual and they're the same mistakes all the time, and they affect the possibility of an individual being alive and being left in Southeast Asia, that is a legitimate concern.

It seemed to me that wherever there was a possibility of either being positive or negative on an issue, whether a glass is half full or half empty, the attitude taken was that it was a half empty glass and therefore was not relevant to an actual live-sighting report.

In other instances, I saw just plain ignorance of the facts provided in the raw intelligence and a conclusion reached that in no way was supported by the intelligence at hand. I'd like to give one example, if I can, without going into specifics that might violate any clearances.

There was information provided by a source who had seen six what he felt to be live Americans left over from the Southeast Asian war, somewhere in Laos, and he saw them for about a 3 minute period of time, if my memory serves me correctly, and they were poorly dressed, emaciated, gesturing for help. They were bound, and he indicated that he had seen these people for the duration of driving in front of them and then passing them and then watching them in his rear-view mirror.

The analysis and conclusions reached at that time were that these people were either Soviet advisors or they were volunteers, probably from the Mennonite Church in Laos. I asked—by the way, these people were being guarded, and I asked why, in effect, would volunteers or Soviet advisors be guarded by Laotians, and I was told that the reason for that is there's some hard feelings concerning basically Caucasians in that part of the world and that it was for their own protection, which seems to me to make a lot of sense, except that they were emaciated, they were poorly dressed, they were gesturing for help and they were manacled or bound in some way.

The particular analyst at that time told me that the individual who had provided this information withdrew that portion of his statement in which he said they were bound. There was no original statement that I could see on the part of the individual that had made the report.

There was simply a summary of information provided by whomever talked to him. I understand in many instances that these people are illiterate and therefore cannot read or write, but if you're dealing with something of this magnitude and you are professional enough to maintain the proper type of documentation in order to resolve an issue, certainly at a minimum you would have tape recorded this individual's information so that you could refer to it later.

When I asked the individual and he said he reneged on that portion of the statement, as the analyst had indicated to me, I asked him where in the report it said that, and it was not there.

Yet based on that information, they said that that particular individual did not see live Americans that could possibly be left over from the Southeast Asian War.

In another example, an individual passed a polygraph on three separate occasions as to what he had seen. Yet his information was arbitrarily ignored, simply because the analyst at that time, who had no understanding or training in the polygraph field, stated that since this man was a marijuana user he passed the polygraph.

Certainly that is a contributing factor, if, in fact, he had smoked or ingested marijuana at the point in time just prior to the examination. However, it's been my experience in the past 18 years that when a polygraph examiner administers an examination, he ensures that that has not occurred or can tell by what the particular instruments can reveal as far as heart rate, breathing and galvanic skin response.

Yet based on those conclusions and that individual saying that the only reason this man passed a polygraph examination is that he's a known drug user, the information that that individual had was disregarded.

In my 18 to 20 years experience in the investigative field, very rarely do you have people of high morale, high moral concerns, and people in good positions that provide that type of information.

The type of information that would normally be provided concerning live Americans routinely will come from refugees, truck drivers, known drug users, probably child molesters in some instances. That does not negate the validity of their information. In this case that was arbitrarily ignored.

Those are only two instances and I saw many more.

Senator GRASSLEY. My last question; whether or not DOD has ever issued a formal response to the Senate Foreign Relations Minority Report?

Mr. USRY. If they have, I'm not aware of it.

Senator GRASSLEY. Your judgment as to why you think they have not or have been reluctant to?

Mr. USRY. It's my feeling that if they ignore it, they feel it will go away. The less mess or action you take with it, the quicker it will be forgotten and therefore not something you will have to address later.

Senator GRASSLEY. Mr. Chairman, thank you very much.

The CHAIRMAN. Thank you very much.

Mr. Usry, before we excuse you temporarily until later, let me just emphasize why Senator Daschle and others of us are concerned and why it is so important, and I think you understand this importance.

Mr. USRY. Oh, yes.

The CHAIRMAN. There are a lot of families, a lot of people listening, a lot of folks who hang on every nuance of every single assertion with respect to this issue. Now, in your report here, which I read yesterday incidentally, it says, and I read from your report, "In 1973 a U.S. POW who had been repatriated said he saw Dooley's name written on a wall of a prison cell. Two Thai special forces soldiers released from North Vietnam custody identified his photograph. Finally, a Communist propaganda photograph shows a partial profile," and so forth.

I have information here on the actual debrief of Captain Hickerson. While you assert that he was not swimming and so forth, let me read to you from it.

He told debriefers, quote, "He collapsed his parachute, he found himself face to face with about 100 civilian personnel. He immediately separated from the parachute and started running out into the shallow water. After going a short distance, he detached his seat back and commenced swimming seaward."

Now, in your report you assert that he was dropped near the land and was not near the water, but here in his own report he says he was swimming seaward. "About this time rifle shots started splashing in the water around him. At this point Hickerson saw he was about to be captured, so he pulled out his survival radio and sent the message to his wing man. He then stopped, put up his hands and surrendered to the DRV swimmers."

In his debrief he goes on to describe how he was stripped of his clothing, blindfolded, hands tied behind his back, put on the fender of a motorcycle, taken to the fishing village. Later that day he was also moved in the sidecar of a motorcycle, during which time he was seen by crowds of people who threw rocks and sticks at him.

So, in point of fact, you have asserted certain things of fact that do not correlate to his own debriefing. Now, that raises the whole question before this Committee of trying to follow up on each and every one of the assertions that come to us at a later point in time, and I think it underscores why it is so critical to have what Senator Daschle said, and to be able to verify these kinds of items.

Mr. USRY. I agree with you.

The CHAIRMAN. So with that in mind—excuse me. I think Senator Kassebaum had one question.

Senator KASSEBAUM. Sorry, Mr. Chairman, I came in late and I would just agree. I think it is terribly important, as a matter of fact, today to be able to have some of the documents that I guess are there to kind of back up the assertions on the infiltration and the ties to organized crime. The sad thing is this is all being played out on television, and once those statements are made, unless there is something concrete to go on, it is out there and I think that is just a problem. I would back that up.

But I have a question, Mr. Chairman, on the results of the review that you gave concerning the fact that the live-sighting reports were closed prematurely, that arbitrary conclusions were made not based on pertinent facts of the case and so forth. There are five there, the results that you found, but you did not give any real reason why you think this was so.

I would be curious why you believe that files were closed prematurely and so forth. What was your evaluation of this? Is it that there was a mindset to debunk the whole question of concern about whether there were live prisoners still there?

Mr. USRY. I think that there were several factors that impacted on that. As I had indicated earlier, one of the problems was I believe that those personnel responsible for the analysis of information, in some instances, were just not capable of understanding what leads might need to be pursued in order to resolve an issue rather than just close it out prematurely.

Above and beyond that, I believe that the attitude again, as I had indicated earlier, between a half full and a half empty glass was that, in fact, they looked at things as a half empty glass. Therefore where there was a choice, the choice was that this did not, in fact, apply or relate to live Americans that possibly were from the Southeast Asian War.

In the 4 days that we reviewed the documentation we looked at approximately 400 live-sighting reports, give or take. Because of the constraints placed on us by the Defense Department in the review of the documentation, which were: no notes, nothing would leave this office, the only time you could look at these was when you were in the presence of a Senator, and those notes that we made stayed at the Defense Intelligence Agency POW/MIA office.

Above and beyond, what we were looking at initially were cursory examinations for the most part, to see whether there was any indication that analysis was incorrect or premature in reaching a particular conclusion. A great many of those cases that we would have looked at again in depth, we were unable to do so.

However, as always when you review this type of work, there are those that interest you right away and therefore you read through them before putting them in another pile, and I based my conclusions on those particular cases that I reviewed in depth. I would say there were at least a hundred of those that I reviewed in depth.

I would also add that not in every instance was there bad analysis. In many instances there was relatively little information or it was a very cut and dried situation that was easy to analyze.

One of the additional reasons I say that cases were closed prematurely is there was one situation in which a refugee had provided information and then subsequently was moved from one relocation camp to another and settled in a foreign country.

This particular refugee went amok at a particular point in time in this other country and attacked some other people. Therefore he was jailed. The analyst indicated that the individual was no longer available for interview or subsequent polygraph examination, yet there was nothing in that file to indicate there had been any cable, telephone conversations or correspondence with the appropriate authorities in this foreign country to see whether or not that individual could be made available for further interrogation or interview.

So that again is one of the reasons why I said there were premature closures.

Senator KASSEBAUM. Do you believe, Mr. Usry, as you have quoted a family member saying that they don't trust the government and that the government has been lying?

Mr. USRY. Having been an employee of the government, either as a military member or civilian since 1969, I would have to tell you there are many instances in which I have seen the government make mistakes, and rather than admit that mistake, do more to cover up what eventually becomes a lie, yes, ma'am.

Senator KASSEBAUM. Sad commentary, I think, and it is one that I think we have a real responsibility, Mr. Chairman, in making sure that we have every bit of documentation that we can to back up those statements. Thank you.

Senator GRASSLEY. Let me comment on that.

The CHAIRMAN. Senator Grassley.

Senator GRASSLEY. That should not shock you, Mrs. Kassebaum, that people in government lie. Politicians lie all the time. We are part of the government, too, and we do not set a very good example. If we would all follow the rule that if you always tell the truth, you never have to know what you told somebody else, there would not be any lying, but we do not set a very good standard for the rest of the government employees ourselves.

Senator KASSEBAUM. But we are adding to an atmosphere here where we are designated to try and bring the very best conclusions that we can and get to the bottom of this, which I believe that we can. You have made that statement yourself, but somewhere we have done a disservice if we do not address this loss of trust.

Senator GRASSLEY. It has to start with us.

The CHAIRMAN. Well, if I can interject, I think both Senators are correct. I think Senator Grassley is accurate. This Senator has had the sad experience of having three individuals plead guilty or be indicted in the last couple of years for lies that they made before the Senate Foreign Relations Committee, and I am referring to Claire George, Elliott Abrams and Alan Fiers, and the lies were in answer to questions that were asked by this Senator.

So, indeed, I am not surprised, I do not think anybody here is surprised that that happens. On the other hand, what Senator Kassebaum said is absolutely true. It is a sad commentary. I think that is what she was saying. This Committee has an obligation to guarantee that we are not going to be part of the problem, that we are not going to sit here and simply accept something as a fact if it is not or if it is not shown to be, and that the purpose of this Committee is to separate fact from fiction, and that is why, Mr. Usry, I do not want you to feel that you are being picked on.

There is not any witness coming before this Committee for whom we are not going to have to do research and so forth, and as I say, and I repeat it, these 3 days of hearings are really an exception to the way in which we will be presenting evidence.

The hearings are designed to set out the parameters of this issue for the Members of the Committee and for the public and they will establish the foundation from which we will proceed. After this, our staff is going to have an extraordinary amount of work, to sit down, to correlate, to establish the data base, to do the cross-tabulations, to begin to go through the 2,273 cases, which is precisely what the Defense Secretary, through Mr. Nagy and Mr. Ford, have said they are going to do, that each and every case is now going to be subject under General Christmas' new structure to a reexamination. We are going to have to separate fact from fiction here, and that is precisely what the effort is going to do.

I guarantee to you that I do not want this Committee, at the end of its tenure, to have people pointing fingers at it that suggest that we did not do that or that we have simply added to this problem.

So Senator Daschle is correct and I think everybody feels that very strongly. There is no desire by any of us to become the next tar babies on this issue.

We have a vote on.

We will return in a few minutes from the vote to hear Colonel Bui Tin, but before we do, Senator Robb.

Senator ROBB. Thank you, Mr. Chairman.

Just a brief note, I want to take exception to a comment just made by my colleague from Iowa. I do not think he meant to impugn the integrity of all people in government, saying that everybody lies, either on the elected side or the other side, but to accept that standard or to accept it by silence, I think would be a big error. There are too many people that have spent a lifetime trying not to be in that position to be tarred by those who have fallen into that particular trap. I do not think that my colleague meant to impugn those—but I think it needs to be said.

The CHAIRMAN. I think the Senator's point is very well taken and a good note on which to recess for the vote. We will be back in about 10 minutes and we stand in recess.

Mr. USRY. Thank you.

[Recess.]

The CHAIRMAN. The Hearing will come to order.

Colonel Bui Tin, could I ask you, please, to stand and take the oath?

Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Mr. TIN. I do.

Mr. LONG. I am an interpreter and I need to be sworn.

The CHAIRMAN. I am going to swear you in, also.

You are accompanied by a translator, Dr. Pho Ba Long. And he has been secured by the Committee. Doctor, do you swear that you will translate fully the truth to the best of your ability so help you God?

Mr. LONG. Yes.

The CHAIRMAN. Colonel, would you bring the microphone close to you?

Let me say at the outset that we are very pleased to have you here. I know you understand English and speak pretty well, because we have had a conversation. If you want to try to do your testimony yourself in English, obviously, we would appreciate that. And, if you have any difficulties, the translator can assist.

Your being here to testify is, in itself, an historical occasion because of the role that you played in the war and because of your knowledge of the full history, if you will, of the 1970s and transition period.

It is also significant in the respect that it is my understanding that, during the war, you were one of, at one point, John McCain's, Senator McCain's, interrogators. Is that accurate?

Mr. TIN. (Shaking head.)

The CHAIRMAN. So it is a rather remarkable event now to be sitting here. And I know Senator McCain has met with you and you have talked, and that is, in and of itself, an extraordinary meeting.

As you know, Colonel, the effort to get to the truth in this matter is of deep concern to all Americans. And whatever you can do to help us shed light on this matter would be of great importance and much appreciated.

We will be talking with a number of Vietnamese people who took part in the war over time. And I think that is another thing that will make this inquiry somewhat different from previous ones, is the breadth of the inquiry. You are really here today as a beginning of that.

Let me, if I may, simply turn to your statement, because I know you are going to explain some of your history and background and rather than spend further time doing that myself, we would like to hear from you.

Mr. TIN. Thank you, Mr. Chairman.

The CHAIRMAN. Could you bring the microphone very close.

Mr. TIN. Yes. Yes.

The CHAIRMAN. Thank you.

STATEMENT OF BUI TIN, VIETNAMESE DEFECTOR, FORMER COMMUNITY PARTY MEMBER AND EDITOR; ACCOMPANIED BY DR. PHO BA LONG, TRANSLATOR

Mr. TIN. Mr. Chairman, Senators, ladies and gentlemen, I wish to thank the Committee, the U.S. Government, and most importantly the American people for your kind invitation and for the honor of appearing before you to testify on this extremely important subject.

As you know, I am Bui Tin, a 64-year-old former Senior Colonel in the Vietnamese Peoples Army. I was the former deputy editor of the Vietnamese Communist Party's daily newspaper, Nhan Dan, and also the editor in chief of the Sunday Nhan Dan.

Forty years ago, when I decided to devote myself to fight for independence and freedom for my country, I was then happy to join the Vietnamese Communist Party. Today, those who want to pursue this same goal should leave the party or, as in my case, be expelled by the party.

My individual story was told in detail in my article that appeared in the Sunday Washington Post in October 1991. I want the Committee to know that I have not applied for political asylum. I have just asked to prolong my stay in France.

Furthermore, I am determined that I will return home to work for democracy in Vietnam. I am very glad to be here, and let me state categorically, before the Senate Committee and all present that, firstly, there are not any MIA's or POW's alive in Vietnam today, and, secondly, I call upon Americans to support full diplomatic relations with Vietnam as soon as possible to encourage democratic reform.

Although I was expelled from the party and I am now regarded as a traitor by my government, my position is the same with Hanoi—Hanoi government on these 2 issues. However, my motivation is far different.

Regarding normalization, I believe that it will help to promote democracy in Vietnam. It will also encourage a democratic movement from the people and reform from the party. More importantly, normalization will create opportunity for our people, especially the Community Vietnamese, to learn about an America that is far different from the one that they knew during the war years. Only the hardliners and the stubborn security in Hanoi want to prevent the normalization with the U.S.A.

The U.S. policy of isolation toward Vietnam will strengthen the hardliner position and put them into the Chinese camp. The Chinese use of Vietnam card is a dangerous threat to us all, and it will interfere with democratic development. Above all, it is against the aspiration of the Vietnamese people.

Regarding the MIA issue, I am a soldier for 37 years. I have experienced the pain and sadness of seeing my comrades disappear without any information about their tragic end. In Vietnam, there are 200,000 missing in action, and we have never found their remains. In my own family, 2 out of 5 are still missing.

Being a soldier and also a member of an MIA family, I would like to take the opportunity to share the sadness and pain of the American POW and MIA families. One of the first actions I did when I came to the U.S. was to visit the Vietnam Memorial and pay my respects and pray for those young men.

However, about this emotional issue, I believe that the Hanoi government wants to cooperate and are being honest enough. However, because they have lied many times on many issues, this time they are not trusted regarding this issue. In reality, Vietnam is a closed society. People live by rumors and speculations.

Many in Vietnam still believe that once they find remains or give information about live Americans they will get a visa to go to the U.S. and receive a $1 million reward. A number of peasants go out every day to——

Mr. Long. Dig.

Mr. Tin. Yes.—every day to dig at cemetery or anywhere they believe they can find MIA remains, with the hope that they would find American bones.

One woman—one woman in the Delta stored hundreds of bones in her house, but they turned out to be either animal bones or Vietnamese bones. People have provided fake information to America. Some even said that they know about live Americans. But, in reality, no one has told us they themselves have seen with their own eyes or spoken with these Americans.

During the war years, I was a full member of the Four Party committee in Tan Son Nhat Air base and also the spokesman of the North Vietnamese army. At that time, I had the right to read all the documents and the secret telegrams from the politburo on this issue.

In addition, I had special authorization from the General Vo Nguyen Giap, then Defense Minister, to go to any camps, to meet with any officers, and to interview any POW's and read their files. My rank, then Lieutenant Colonel, required the officers of the camps to consider me their boss. Therefore, they had to cooperate with me at all times.

This is to say, the government or any leaders could not hide any information on MIA or POW from me. In 1964, by the instruction of Chairman Ho Chi Minh, each province had its own flag in a campaign. On the flag, there are 2 numbers: The number of all American planes shot down, and the number of all Americans captured.

And each prisoner and plane shot down must be reported to the Cuc Dich Van, the Center for Propaganda for Enemy, belonging to the Defense Ministry's Political Department. The local unit chief officers must send a report of every captured prisoner to this center every day, and the total every week and month.

Once a POW is put in jail, he then had his own file in which detailed information was kept, such as what he had to eat, if he was sick, what medicine he used. The cadre had to report his behavior and thought process. And I believe that the files are still in Vietnam.

About this issue, I can say that I know as well as any top leader in Vietnam and, in my opinion, I state categorically that there is not any American prisoner alive in Vietnam.

There is the only single case of Robert Garwood who lived freely in South Vietnam in Hanoi and returned to the U.S. Some people may argue that if there is one Garwood, there would be many Garwoods. And, if there were some French left over after Dien Bien Phu in 1954, there would have to be some Americans left over after 1975. In my unit after the Japanese withdrew in 1945, there were 2 Japanese who volunteered to help Vietnamese resistance. All of them, Japanese and French deserters, returned home later after their governments ordered clemency.

As a journalist, and a curious man who had much interest in this issue, if there were any American alive and willing to live in Vietnam, I would have known about them, and people would have speculated and spread rumors. I would have gone there and talked to them and written an interesting article for my paper. I believe the Japanese and the Chinese could live with the Vietnamese, but it is very hard for the American to do so, because of the visible appearance.

Not only under oath, but more importantly, on my honor as an officer, I categorically state that there is not any MIA's or POW's alive in Vietnam today. As for Laos and Cambodia, I do not know the situation as well as in Vietnam. But I trust that the Laotian and Cambodian governments are not interested in keeping any Americans.

I have heard that some Cubans and Russians interrogated some American prisoners and treated them badly. But I do not know any information about Russia and Cuba keeping Americans.

I want to include as an attachment to this statement my three point proposal to the U.S. Administration, the Congress and other organizations concerned with the issue to consider. Last week, for the purpose of reconciliation, I gave my diary to the Pentagon. In this diary were all my personal notes of the conversations held in the Hanoi Hilton with about 150 POW's.

The war is over 16 years for the Vietnamese and 18 years for the American and we have never ended the last chapter. Let us forget the past and work for the future together. Let us put aside our own interests to work for the interest of our two peoples. Let the two people embrace each other.

I want to end my statement by calling upon those in Vietnam, if they are honest, to fully cooperate on this issue. They should open the door widely and welcome any delegations to enter Vietnam to search for the truth. To those in the USA who still believe that Vietnam still holds MIA and POW's, work for quick normalization, and go freely to Vietnam to search for the truth.

Those who want to use this emotional issue for their own purpose either political or for their own benefit are criminal in front of the souls of the American and Vietnamese who died for the cause in which they believed. This is why I am here today.

Thank you for your attention.

[The prepared statement of Mr. Tin follows:]

Prepared Statement of Bui Tin

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Forty years ago, when I decided to devote myself to fight for independence and freedom for my country, I was then happy to join the Vietnamese Communist Party. Today, those who want to pursue this same goal should leave the party or, as in my case, be expelled by the party. My individual story was told in detail in my article that appeared in the Sunday Washington Post in October 1991. I want the Committee to know that I have not applied for political asylum, I have simply asked to prolong my stay in France. Furthermore, I am determined that I will return home to work for democracy in Vietnam. I am very glad to be here, and let state categorically, before the Senate Committee and all present that (1) there are not any MIA's or POW's alive in Vietnam today, and (2) I call upon Americans to support full diplomatic relations with Vietnam as soon as possible to encourage democratic reform.

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Those who want to use this emotional issue for their own purpose either political or for their own benefit are criminal in front of the souls of the American and Vietnamese who died for the cause in which they believed. This is why I am here today.

Thank you for your attention.

The CHAIRMAN. Thank you very much, Colonel Bui Tin. That is a remarkable statement and, obviously, an important one in the context of what we are trying to do here today, but it is also an important one historically.

When did you leave Vietnam? When did you decide that you had to break with the government there?

Mr. TIN. I left Vietnam last September.

The CHAIRMAN. Last September?

Mr. TIN. Yes.

The CHAIRMAN. And is it not true——

Mr. TIN. 1990.

The CHAIRMAN. And, Colonel, in 1975, is it not true you are the person, who in the Presidential Palace in Saigon, received the surrender of the government, of the fall of Vietnam?

Mr. TIN. Yes. At that time, I am the highest ranking official.

The CHAIRMAN. The highest ranking person who was in the south?

Mr. TIN. Yes. Yes.

The CHAIRMAN. Now, unfortunately, we are just at the point of another vote. I apologize for that. We are going to recess and come back and pick up the questioning. So we stand in recess for about 10 minutes.

[Recess.]

The CHAIRMAN. The Hearing will come to order.

I commented earlier on the historic aspects of Colonel Bui Tin being here. And in deference to that reality, I am going to yield my time, and I think colleagues will agree to yield, to Senator McCain to lead off.

Senator MCCAIN. I thank you, Mr. Chairman. And I appreciate the opportunity of seeing Colonel Bui Tin again. I was informed by him at our first meeting when he first came to the United States a short time ago that he had visited me a couple of times back many years ago, so it is very nice to see Colonel Bui Tin under different circumstances than our last, or previous meetings.

Mr. Chairman, I won't take a lot of time, because I would like to hear the questions from the other Members of the Committee. But I also agree with you. I think this statement is a very powerful and important one that, frankly, to some degree transcends the POW/MIA issue. I think it is a statement for freedom and democracy for the Vietnamese people. It is a statement of unfulfilled promises of the Vietnamese when they reunited their country of letting the Vietnamese people determine their own future themselves.

And, frankly, it gives me some hope and optimism that freedom and democracy will come to that country for which I think a case can be made that the Vietnamese struggled for many centuries.

So, Colonel, we welcome you. And I will not take too long, maybe with the second round.

Colonel, how close was your relationship with those who were conducting the POW affairs; in other words, that had direct supervision over the American POW's?

The CHAIRMAN. Colonel, would you pull the microphone close, again, please?

Mr. TIN. Yes. Yes.

I am a journalist. And from 1963, I have the intention to write out one book on the prisoners of war, American prisoners of war, because it is very, very interesting for the public in Vietnam. And so, in 10 years, I have very close relationship with all four camps of prisoners around Hanoi.

And I have, at that time, special authorization as deputy chief editor of the Sunday Nhan Dan, it's the daily newspaper of the People's Army. The officers of those four camps is Major. Myself at that time I was a Lieutenant Colonel.

And also the department in charge of the POW is belonging to the Department for Political Affairs in the Defense Ministry.

Senator MCCAIN. In other words, the party part of the army?

Mr. TIN. Yes. Yes.

And so I have a very close relation. And plus this department and the place of the newspaper is very near by. They are only some 100 meters. I go every week at those camps and just visit the special department to collect the news on that.

Senator MCCAIN. Do you know of any effort or any plan or any proposal or any action that was either contemplated or carried out that would entail taking American POW's and sending them to the Soviet Union or any other country?

Mr. TIN. In my knowledge, there is some prisoner of war to be—was being interrogated in Hanoi by some Russian and Cuban. But not any to send abroad, to send in any—another country, to send in the Soviet Union.

Senator MCCAIN. Do you have any knowledge of any American who left——

Mr. TIN. Yes.

Senator MCCAIN. To go to another country?

Mr. TIN. No.

Senator MCCAIN. You have no knowledge?

Mr. TIN. No.

Senator MCCAIN. Do you believe that you would have known if any American prisoner was transferred to the Soviet Union or China or any other country?

Mr. TIN. No. No any—not any American prisoner was transmitted abroad in another country.

Senator MCCAIN. My question is: Would you have known if it had taken place?

Mr. TIN. I think that if any would be sent abroad, I would be allowed to know that, because I am very near by the red department, political department of the Defense Ministry.

Mr. REID. I didn't understand that.

The CHAIRMAN. I think he said that he thinks that he would have been in a position to know because he was very close to the political department that had responsibility for that. Is that accurate?

Mr. REID. Thank you, Mr. Chairman.

Senator MCCAIN. This may be slightly off the subject, but why did the Russians want to interrogate certain prisoners?

Mr. TIN. It is very simple. It is very simple, because the Soviet was very interested in the new world, electronical world. And so I think that is very interested to know what is on the war—on the war, specially, in the electronical.

Senator MCCAIN. Well, this leads us to the B–52 involvement near the end of the war. Were the Russians interrogating those people that were captured at the end of the war?

Mr. TIN. Yes. I think this is so.

Senator MCCAIN. But, to your knowledge, there was never anyone who was kept apart because of any special qualifications that they had?

Mr. TIN. I don't know that. I don't know that.

Senator MCCAIN. Mr. Chairman, the reason why I asked that question is because there were electronic warfare officers who were crew members of the B–52's, for the record, and there is some question about the whereabouts of some of those who had that special skill. And that's why I am pursuing this particular line with Colonel Bui Tin.

The CHAIRMAN. I understand that.

Senator MCCAIN. But you have no reason to believe that these officers with special qualifications in electronic warfare were treated any differently, except that they were interrogated by Russians?

Mr. LONG. Not only the Russian, but also the Vietnamese are very intent to know about this electronic knowledge.

Senator MCCAIN. I understand. But to have the Russians be so interested that they personally interrogated American POW's I think is an important point.

Mr. TIN. Yes, yes.

Senator MCCAIN. My time has nearly expired. If there were Americans who were kept prisoners in remote parts Vietnam or in Laos——

Mr. REID. Mr. Chairman, I would like to give my time to Senator McCain.

The CHAIRMAN. We will give him extra time. There is no problem with that.

Senator MCCAIN. If there were prisoners in, say, the Central Highlands or in Laos, is it possible that those POW's could have been kept without the knowledge of your government, say by hill tribesmen, Hmong, others?

Mr. TIN. I don't think that, because the discipline in the army is very high at the war time. And also the kind of emulation between all of the provinces to shoot down American planes and to capture

American pilots. So all the news is directly, very quickly transmitted to the Defense Ministry, to the general staff.

Senator McCAIN. This brings me to my next question.

The CHAIRMAN. Colonel, could you bring the mike down a little lower. It is very good when you get close to it. We can hear better. Thank you.

Mr. TIN. And in the remote jungle area, I think that there are many American pilots who parachute in this area. But they are very, very difficult to search that, because on my knowledge, about 10 years ago there was one helicopter, military helicopters of Vietnam, who is excellent in the sky in the southern Lao, there 10—about 10 military men on it. And of this 10 military men, there about 5 Russian officials and the—They met to search, but not—they not find any trace, any sign, of helicopters or any man of those.

Senator McCAIN. You brought with you when you came from Paris some documents which were given to the Pentagon which you think can help us resolve this issue; is that correct?

Mr. TIN. Yes.

Senator McCAIN. And this Committee will receive copies of that; is that correct?

Mr. TIN. Yes. I have—I have with me—I have with me one book I have written and printed in 1975 in Hanoi by the publishing house of the army on the pilots in the Hilton Hanoi. And also I have with me about 12 note, special notes, that I have written out when I interviewed American pilots in Hilton Hotel Hanoi.

Senator McCAIN. And those will be turned over to the Committee; is that correct?

Mr. TIN. Yes.

The CHAIRMAN. Senator, the Pentagon is translating those currently and they will be made fully available to the Committee.

Senator McCAIN. Good. And I would suggest, Mr. Chairman—in fact I know it is redundant for me to say, that we will make these documents available to the interested parties as rapidly as possible.

The CHAIRMAN. Absolutely.

Senator McCAIN. I want to assure our friends who are here.

But isn't it also true, Colonel Bui Tin, that there is a lot of information that the Vietnamese government still has in the form of documents from the provinces, documents by the Army units, anti-aircraft units, documents that the Vietnamese air force has that they could provide us, the United States, with which could help us resolve this issue? Isn't it true that the Vietnamese government still has very important documents in archives that they have not provided us with that they should provide us with if they are going to cooperate? Is that a true statement?

Mr. TIN. Yes. I have suggested a three point proposal. The firstly is to allow missions, Americans in this mission, to go anywhere to meet with everyone in search of especially 62 case, it's expensive to reach a conclusion for each case. And, secondly, I propose that the Vietnamese government allow the American side to be in touch with the archive of the Defense Ministry, the archive of the Department of Political Affairs, the archive of the Department in charge of the POW, Cuc Dich Van, and the file also of many military hospitals and many provinces, because now, after the war, each province have issue, written out, one history on the—against the American war, history, each history, very concrete history, and so including many pictures. And so I think that is very helpful. And, in plus, I ask that the Vietnamese side allow American side to be in touch, in contact, with several Colonels in charge of the Cuc Dich Van, in charge of those camps of prisoners and also many translators at that time, because each camp, there are a translator. And these translator know very, very well each case: When they arrive, what is the state of—his is representative of where, when is his—he declare and so on. And once those Colonels will be contacted by American side.

The third point is, that by the means of media, mass media, in Vietnam, by example, by television, by radio, by newspaper, to make clear to the public in all of the country that to propose our people in search of the news about American lives and especially on American remains. Because in my knowledge there are several peasants who collect the remains of Americans, but they don't meet with the government, because they was afraid that reward coming from American is not give him all. So——

The CHAIRMAN. They are afraid that the reward would not be given to them.

Mr. TIN. Yes.

The CHAIRMAN. They think there is a reward that would be coming.

Mr. TIN. Yes. Yes. But all know that. And so I think that there are some original malice at the time of war, they was to brought some American died in somewhere, they can remain in search of those remains.

Senator MCCAIN. I thank you, Mr. Chairman. Just a comment. I think that Colonel Bui Tin's suggestions should be passed on to the Vietnamese government and I think it would be very interesting to see their response, because if they do agree to his conditions, I think it would go along way.

Colonel Bui Tin, I am not looking forward to meeting some of those people that need to be interviewed. In fact, I think I will decline. But I certainly understand why they should be.

And, Mr. Chairman, I appreciate the very great indulgence that you and the rest of the Committee have shown now. I could make one more comment, because I understand you may have to leave in a couple of minutes.

We are not done with the first 3 days of hearings, but, in my view—in my view, Mr. Chairman, we have gotten off to a very good beginning. I think it has been balanced. I think the staff is to be congratulated. I think you and Senator Smith are to be congratulated. And, obviously, we have a long way to go. That's why we are in business for a year. But I think we have made a very, very good beginning. I know that I speak for a lot of people in expressing my appreciation to you and Senator Smith. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator McCain. I appreciate that, and I know Senator Smith does.

I want to thank all of my colleagues. I think the attendance and the interest has been superb. And I think it has been an important part of helping us get off on the right foot.

Colonel, I do have to run to a meeting shortly and Senator Smith will Chair in my absence. I will be back before the end.

Were there some Americans who stayed behind after their service, or after the war, for a period of time?

Mr. TIN. To my knowledge, after the Japanese war, there were several Japanese willingly to stay in Vietnam, two, there is instructor trainer, they train in militaries. And, after the French War, there are some member of the French Communist Party, the deserters, to remain, and especially they are working in the service of propaganda for the enemy rank, and remain. And it is after 1960, they back in France. There are some American also.

But, in this war, I think that there are no American alive remain after 1973.

The CHAIRMAN. When you say no live Americans remained, could there have been some Americans—We have talked and you told me that there were some deserters living in the Saigon area around Tan San Nhat; is that accurate?

Mr. TIN. Yes, because—before 1973, before the Paris Agreement.

The CHAIRMAN. Before the Paris Agreements?

Mr. TIN. Yes. I think about there are several deserters who is around Tan San Nhat air base who has Vietnamese wife there. But not after 1973.

The CHAIRMAN. After 1973, you say they left Vietnam?

Mr. TIN. Yes, they left.

The CHAIRMAN. What about the Bob Garwood case, you say there were no Americans living, they left, and yet Bob Garwood was there until 1979?

Mr. TIN. I don't know where is this case specially. But I have some rumor that all of the people in Da Nang know very much the case of Garwood from 1977 to—1977 and 1978.

Mr. REID. I didn't understand that.

The CHAIRMAN. What he said was, he didn't know the case very well, but that he heard rumors that all of the people in Da Nang knew of the existence of Bob Garwood, certainly in the period of 1977 to 1979. Is that fair?

Mr. TIN. Yes. Yes.

The CHAIRMAN. Now, if you didn't know about Bob Garwood——

Mr. TIN. No.

The CHAIRMAN. —why is it not possible that you might not have known about some other Bob Garwood?

Mr. TIN. I think at long time certainly they don't think this secretly, the appearance of American in any—in any place. The contact is a mystery for a short time, for some month only or some—But so long, you see, now it is after about now—18 years after the Paris Agreement.

The CHAIRMAN. What you are saying is that it is hard to keep a secret, that if there were another Bob Garwood, people would know; is that what you are saying?

Mr. TIN. This is right.

The CHAIRMAN. If you didn't know about Bob Garwood from 1973 until 1979——

Mr. TIN. Yes.

The CHAIRMAN. —could there not have been another Bob Garwood during 1973 to 1979 that you didn't know about? I mean, it is possible; isn't it?

Mr. TIN. I don't think that, because the problem of the POW and MIA in the last 10 years become a very important—important issue. Before, no people is interested in that.

The CHAIRMAN. What if somebody had decided they wanted to stay, I mean, what if they felt their country had left them because they were declared dead in 1973 and they chose to live there and said we don't want you to tell America about us because we don't want to be tried as a deserter or hassled or whatever; could that have happened?

Mr. TIN. I think that is not—It is not true.

The CHAIRMAN. Why?

Mr. TIN. Not possible.

The CHAIRMAN. Why is that not possible?

Mr. TIN. Because, in Vietnam now the rumors of the foreign, especially an American alive, certainly spread very, very quickly. It don't take secretly.

The CHAIRMAN. So you are saying that an American could not easily live in Vietnam today without everybody knowing it; is that what you are saying?

Mr. TIN. Yes, it is true. Because the communication now is very spread and very quickly. People travel in the country, many—there is many reporter, many newspaper. And if there is a suggestion of one American, a very big noise, a very, very big noise in the country.

The CHAIRMAN. Let me yield to Senator Smith who will Chair now for a period and I will return. I have some more questions.

Senator SMITH [presiding]. Thank you, Mr. Chairman.

I am going to yield my time for the moment to Senator Brown because I know that he has to leave in a few minutes. So, Senator Brown.

Senator BROWN. Colonel, I was hoping that you might share some of your background with us, your education and where you got your commission and your training.

Mr. TIN. Yes. From a childhood, I attend French lycée in Hoa.

Mr. LONG. French college.

Mr. TIN. Yes. In French college, in Hoa. And I have received a baccalaureate in Hoa.

Mr. LONG. That's a high school degree.

Mr. TIN. A high school degree. And, after that, I enter in the army immediately after the Japanese coup——

Mr. LONG. The Japanese special coup that took over from the French.

Mr. TIN. The French. In March 1945. And after I attend Viet Minh organization. It's a secret organization of Viet Minh for the independence. And after I attend, the August is the revolution. And I enter in the army, in the People's Army, in September of 1945.

And, after that, I was in the army until—until 1982. I moved to the Nhan Dan newspaper, daily.

Senator BROWN. You grew up in the Hoa Phu Binh area?

Mr. TIN. I grew up in Hoa, and after in Hanoi.

Senator BROWN. And you went to high school, you got a high school degree in Hoa?

Mr. TIN. Yes, high school degree.

Senator BROWN. You mentioned that there were some French that stayed behind after Dien Bien Phu.

Mr. TIN. Yes. Yes. Some French remain after Dien Bien Phu.

Senator BROWN. Were any of them held against their will that you know of?

Mr. TIN. None.

Senator BROWN. So the only ones that you know of——

Mr. TIN. I think one, yes, on the agreement, it said for volunteer.

Senator BROWN. Basically Marxist who were there for philosophical reasons.

Mr. TIN. Yes, from political reason.

Senator BROWN. I noticed you were in the military——

Mr. TIN. Excuse me. Most of them have adopted the name—the surname of Ho Chi Minh. For example, the case of Ho Chi Phan, Ho Chi. He is originally German, originally. But he adopted the new name of Ho Chi Minh.

Senator BROWN. The background that we have seen on you indicates that you were an officer in the army that went into Cambodia.

Mr. TIN. Yes.

Senator BROWN. In that period, do you remember hearing anything about American POW's, Americans in Cambodia or Laos?

Mr. TIN. I enter in Cambodia just the 7 of January 1979, and so on the first day, I am in the royal palace at noon of this day. And I never—and I remained there more than 3 years, more than 3 years. And I realized that any, any news of any American prisoner who are in Cambodia.

Senator BROWN. The article I read on you also indicated that you were involved in planning for the movement of troops from North Vietnam to South Vietnam in 1964. Can you tell us anything about that?

Mr. TIN. Yes. This is after the assassination of President Kennedy, and after the death of President Ngo Dinh Diem and his brother, I am sending to the South to—a special team to investigate on the spot on how the situation had changed in that time, and to plan the enter of great military units from the North to the South. I have men in the streets for more than 1 year in the highlands, in the provinces of Ban Teung, Quang Nghe, and many other provinces.

Senator BROWN. So you personally went to the South to help plan——

Mr. TIN. No.

Senator BROWN. No.

Mr. TIN. It is a team, a team. A team of about more than 10 Colonels, of high ranking Colonels.

Senator BROWN. Of the troops that went to the South, what route did they take?

Mr. TIN. I have all of these—Ho Chi Minh Trail.

Senator BROWN. In Laos?

Mr. TIN. Yes. We go by car from Hanoi to Vinh Linh, to nearby demilitarized zone, demilitarized zone, on April 17, and after that by walking, and walking about 1 month, arrive at the Highlands. And after I have two through the—Route 1.

Senator BROWN. This period, 1964, 1965, and 1966 was when I had a chance to visit your old home area in the northern part of South Vietnam, the Da Nang area or the area we called I Corp. At that time many in the U.S. were convinced that no troops, no personnel from the north ever moved to the South.

Mr. TIN. I always say that Vietnamese soldiers has fighting on our own soil.

Senator BROWN. On the prisoners that might have been captured by Vietnamese troops located in Cambodia or Laos or South Vietnam, was there a policy that they be brought to Hanoi, or were they held at various spots?

Mr. TIN. Yes. I think that on Laos—on Laos, they consider that there are many of American plane that was shoot down, hit on the sky of Vietnam, but many parachute on Laos. You see?

Senator BROWN. Yes.

Mr. TIN. They hit on the sky of Vietnam and after they parachute in Laos. In that case, the Laos would render those pilots to Vietnam side. I think that is some case in Xam Nua and in some province from nearby Vietnam.

Senator BROWN. So the policy was to bring them to Hanoi?

Mr. TIN. Yes.

Senator BROWN. Not leave them in Laos?

Mr. TIN. No, no.

Senator BROWN. The reports we have, then, of detention camps, prison camps in Laos, I assume they must have been temporary?

Mr. TIN. I don't hear about that. But I think that is temporary, I think this is. Because if they hit the—the plane was hit in Vietnam, a good chance that he has parachuted in Laos, the Lao ran this to Vietnam.

Mr. REID. What about one that is hit over Laos; where did they stay?

Senator BROWN. The pilots or navigators that might have come down in Laos, would they have been returned to Hanoi as well?

Mr. TIN. I think that, no. It is according to the Laos—belong to the Laos.

Senator BROWN. They may have stayed in Laos?

Mr. TIN. Yes, that's right.

Senator BROWN. You mentioned the publicity or the awareness of the POW issue in this last decade in Vietnam.

Mr. TIN. Yes.

Senator BROWN. Is there an awareness of the reward that is offered for returning live POW's? Have you heard of that?

Mr. TIN. No. It is not they mention—they don't mention the figure of reward. And there are many speculation about one millions of dollars each case. But we don't mention any figure on the mass media. So I propose that should be made public, the reward for each case. It is encourage people to be in search of this case.

Senator BROWN. Colonel, we all very much appreciate your coming to testify today.

Mr. TIN. Thank you.

Senator BROWN. The years since the war have been ones that have been difficult for Americans. But we are enriched with many Vietnamese who came as refugees to this country.

Mr. TIN. Yes.

Senator BROWN. They are some of our brightest and hardest working citizens. We are glad you have come. I yield back, Mr. Chairman.

Senator SMITH. Thank you, Senator Brown. I am going to take a 2-minute recess here while the stenographers change over.

[Recess]

Senator SMITH. We will reconvene here. Colonel Tin, excuse me for the interruption.

Senator Kassebaum, you are next.

Senator KASSEBAUM. Thank you, Mr. Chairman.

Colonel Tin, I think Senator McCain emphasized again the important parts of your testimony, where you commented on what steps you would like to see the Vietnamese Government take to allow access, really free access everywhere.

I would like to just ask you how forthcoming do you believe the Vietnamese Government would be today to the suggestion you have made and that Senator McCain had reiterated would be quite an enormous step forward?

Mr. TIN. I think that they are in the situation when they are more or less pushed into the—to cooperate with us.

Senator KASSEBAUM. So you believe that they would be forthcoming in allowing unimpeded access to files?

Mr. TIN. I think that now there are new leaders. They're not being sort of tied down by old errors and that they are looking for help from the different agencies of the American Government. So I think they would have a more cooperating attitude.

Senator KASSEBAUM. You had great knowledge, of course, of the documents and the archives, and you made, I thought, an interesting comment about how the discipline was very high and, therefore, very accurate records were kept. Is that correct?

Mr. TIN. Yes, they're very disciplined.

Senator KASSEBAUM. I wonder if you could comment at this point on what condition these records are in now in the archives, and when was the last time that you saw them?

Mr. TIN. These archives are very well kept by the Defense Department.

Senator KASSEBAUM. These records are all very much intact?

Mr. TIN. Yes.

Senator KASSEBAUM. From the various camps, are they all part of a central system of records?

Mr. TIN. I think that after the camps are being dissolved and no more camps, most of these—all of these documents are being sent to the Center for Enemy Propaganda. That although they don't have computers, they are being very well kept in files.

Senator KASSEBAUM. Thank you. You mentioned in your testimony that as far as Cambodia and Laos, you do not know the situation there. I just would like to ask you as someone who was very involved in the negotiations regarding the prisoners—in the book, Kiss the Boys Goodbye, you were mentioned there—insisting in this account that the United States must deal for prisoners held in

Laos with the Pathet Lao. And that, "We clearly reiterate our position that the question of persons captured in Laos is within the sovereign power of Laos and beyond the competence of the four-part Joint Military Commission."

Then it goes on to say, "Despite evidence to the contrary, Secretary Kissinger said he had been told there were no POW's in Cambodia." I guess, Colonel Bui Tin, what I would like to ask you is, as someone who was very involved at that point, and a former member of the government, what do you believe is the level of influence today of the Vietnamese Government on the Lao/Cambodian Governments?

Is there an opportunity to explore further with them what the situation is? Because obviously this is where it seems to me there has been a real bottleneck as well and we have been unable to in any way establish the same relationship as we have with the Vietnamese Government.

Mr. TIN. Some time ago it's easier for the Vietnamese to talk to these two governments. As in Cambodia, we have a whole system of experts overseeing most of the—all of the ministries and the agencies. For the last 4 years, they have all withdrawn. In Laos, the army has withdrawn a long time ago, and recently all the experts are gone, too. They have followed a very different path from the Vietnamese.

However, in Cambodia the Hun Sen Government is still very sympathetic to the Vietnamese Government. However, at this time, it is very true that they are very independent of the Vietnamese. Recently they even changed the name of the party and they say nothing any more about socialism. And the influence of Hanoi over Phnom Penh is day by day lessened.

Senator KASSEBAUM. I guess Colonel, you are saying that at this juncture you would believe the Vietnamese Government does not have much leverage either with the Lao or Cambodian Governments to be more forthcoming, regarding the prisoner war missing in action issue.

Mr. TIN. It is true.

Senator KASSEBAUM. Thank you. Thank you very much.

Senator SMITH. Senator Reid.

Senator REID. Thank you, Mr. Chairman.

You talked about the pilots that were shot down over the skies of Vietnam, but the pilots would bail out in Laos. They would be taken to Hanoi. Is that right?

Mr. TIN. Yes.

Senator REID. Prisoners that were shot down over the skies of Laos and parachuted or crashed-landed into Laos and were still alive, did they stay in Laos?

Mr. TIN. I am not very sure about that.

Senator REID. The reason that I asked the question is, one of the real accounting problems we have is that we have a large number of pilots shot down over Laos that we cannot account for.

Mr. TIN. I think one of the very hard cores is, as I mentioned about this helicopter that was brought down and there were people Russian in there who have never been found, because the forest is very, very dense. In 50 meters, you hardly can see each other.

Senator REID. When did you leave Vietnam?

Mr. Tin. Last year in September.

Senator Reid. In your statement that you gave, you indicate that the local unit or chief officer must send a report of every captured prisoner to the center every day and the total every week and every month to the Center for Propaganda for Enemy belonging to the Defense Organization. In short, you have said that for every prisoner of war, there were very complex, detailed records kept for each prisoner.

Mr. Tin. Yes.

Senator Reid. Whether he was sick, how much food they ate.

Mr. Tin. Yes.

Senator Reid. Those records, I would assume, are still someplace in Vietnam. Is that right?

Mr. Tin. Yes. I think that.

Senator Reid. Where would they be?

Mr. Tin. In the Defense Ministry, in the—Department for Political Affairs and in the special department in charge of the prisoners of war and also on different province, because they have draft, and now they have written out, each province, their own history.

Senator Reid. Yes. So in addition to the records kept on the individual prisoners after the conflict was over, the different provinces were ordered to prepare a history. So we have the history, plus the individual record of person that was captured. Is that true?

Mr. Tin. Yes.

Senator Reid. So those should be available someplace.

I know that your statement is that you want us to try to get things moving along as quickly as possible, but General Vessey said that he was told that a lot of these records had been eaten by termites.

Mr. Tin. I think that at least the people will still remember, because each prisoner is a historical event in the mind of the people.

Senator Reid. But what I wanted are the written records, and does he think that they have been eaten by termites?

Mr. Tin. It's possible, in certain places.

Senator Reid. How would you define your responsibilities after you got out of the army? You ran a newspaper, is that right?

Mr. Tin. I'm a deputy editor of the party's newspaper.

Senator Reid. Would it be fair to state, using an overworked term, that you were a propagandist for the party?

Mr. Tin. All the party's newspaper are obviously considered as a propaganda organ.

Senator Reid. I have no further questions.

Senator Kassebaum. Mr. Chairman, if I may just ask a question regarding Senator Reid's asking about the condition of the records. I am sorry. I thought I understood—and I asked about the condition of those records—that you stated they were in good condition. Did I not hear that?

Mr. Tin. I think at least in the Defense Ministry it should be, while in the provinces at the different localities, nobody can say what are their conditions. I know that they are very serious of keeping records so they can write the provincial history.

Senator Kassebaum. I guess, to follow on for just a moment, I thought also you had said those provincial—the records from the provinces and the camps as they were closed had gone into the central archives.

Mr. TIN. In the provinces it is not very sure that all are being sent.

Senator KASSEBAUM. I see.

Mr. TIN. In the camps, yes, but in the provinces, no.

Senator KASSEBAUM. Thank you.

Senator MCCAIN. Just a follow up to that, Colonel. In other words, all records are not centralized at the Ministry of Defense?

Mr. TIN. I think that each camp has to return the documents to the initiating agency, for example. Oh—I'm sorry. The camp must return the localities where the prisoner has been held, to return these houses, physical facilities, to the old agency that they took over to turn into a prisoner camp. Then the documents concerning the prisoner of wars were being sent to the Enemy Propaganda Center, because they are conscious that the issue of American prisoners of war are very important issues.

Senator MCCAIN. Let me make a stab at it, can I, Mr. Chairman? There are records that were kept in Hanoi which are very accurate and, you believe, undamaged. Is that true?

Mr. TIN. That's very possible.

Senator MCCAIN. There are other records which, for one reason or another, were kept in the provinces, which you cannot assure the Committee are in good condition?

Mr. TIN. Even in the provinces, sometime there's 1 or 2, or maybe 10 prisoners, and these are being very—considered important issues, so it's possible that they still keep certain documents.

Senator MCCAIN. But you believe that there is a great deal of evidence and records that are kept in Hanoi and in the provinces that can help us resolve this issue?

Mr. TIN. Yes, certainly.

Senator SMITH. Colonel, if there was one person today in Vietnam who could give us the most information on the records that you speak of, who would it be?

Mr. TIN. Two translators, interpreters from the Center for Enemy Propaganda, and Mr. Nguyen Minh Y, presently of the rank of Major. Mr. Y knows Senator McCain very well. Mr. McCain while in the camp has a Vietnamese name, Mr. Cai. Each American prisoner of war has a Vietnamese name. The second person is Mr. Dung, who is also an interpreter. He is no longer in the army. He is working at the Ho Chi Minh City in the foreign affairs.

Senator SMITH. Thank you. Senator Grassley, I will turn to you in just a moment. I had not had a round here, so I want to just ask a few questions.

In your statement, Colonel, you indicated that you are now regarded as a traitor by your government—former government.

Mr. TIN. Yes. By the government, but many people in the government do not regard me as such.

Senator SMITH. Do you consider yourself a defector?

Mr. TIN. No. Very few people think that way too, with me.

Senator SMITH. You were a hero in Vietnam, 37 years in the army. You led the tanks into Saigon. What about your family? What has happened to your family now in Vietnam? Where are they? I mean, you do not have to tell me if it is a secret, but are they safe?

Mr. TIN. It is very, very harassed. My wife has in many times asked to come and questioned whether she received any letter from me. And she is still a party member, and the party has given her an order that she and all the children should not have any communication by letters with me.

My daughter is a doctor, and ophthalmologist in the central medical center. She is 34 years of age this year. She is in a surgical ophthalmology center. She has been fired. Now she is selling glasses in the hospital.

My son-in-law has received a grant from the Harvard School, Harvard University, but is not allowed to exit the country. All my friends have been—have been received—ordered not to write to me.

Senator SMITH. Just one follow-up question on that point and I will move to another subject. Your family is being housed by the government—are they being housed by the Vietnamese Government?

Mr. TIN. It's a rented house that we rented from the government.

Senator SMITH. Colonel, I would like to go back to a couple of the areas that Senator McCain touched on, regarding your statement about interrogation of POW's by the Soviets. I am not asking you to list names. Please do not if you know, but we will get that later. But do you know first-hand, or second-hand knowledge names of American POW's who were interrogated by the Soviets? Do not mention the names if you know them.

Mr. TIN. I don't know. I only know those who have knowledge of electronics.

Senator SMITH. Excuse me?

Mr. TIN. Electronics. The prisoners of war who had an expertise in electronics would be interrogated by the Russians.

Senator SMITH. Do you know first-hand—do you have first-hand knowledge or hearsay knowledge of names of those American POW's who were interrogated by the Russians?

Mr. TIN. No.

Senator SMITH. None at all?

Mr. TIN. None at all.

Senator SMITH. Do you have any idea when they were interrogated?

Mr. TIN. I think it's about December 1972, concerning the B–52.

Senator SMITH. Did you ever speak directly to those POW's after they were interrogated by the Soviets?

Mr. TIN. No.

Senator SMITH. Do you know where we might get the names? Again, you do not have to mention the name if, in fact, there is some reason for not doing it. You can give it to us in executive session. But do you know the name of any individual or individuals in Vietnam today who would know the names of the American POW's who were interrogated by the Soviets?

Mr. TIN. Possibly in the defense intelligence section.

Senator SMITH. During the war, when a prisoner was captured by either the North Vietnamese or the Pathet Lao, can you describe for me the relationship between the two of you in terms of that prisoner? Say the Pathet Lao took a prisoner; you wanted that prisoner to be sent back to Hanoi. Was that done willingly by the Pathet Lao, or did you have to extract the prisoner?

Mr. TIN. The army in Laos is very disciplined. They would do that, and friendship between the two nations are good. And they are willing to send them back.

Senator SMITH. At about the time of the peace accords, you stated and it was quoted in some papers: "We are insisting that the withdrawal of U.S. troops and the release of prisoners take place to no relation to the POW's held by the Pathet Lao, said Bui Tin, chief spokesman for the North Vietnamese delegation." That was during the time, 1973, at the time that the accords were being signed. When you said no relation to the POW's held by the Pathet Lao, when you made that statement, did you have direct knowledge of POW's held by the Pathet Lao?

Mr. TIN. I had no knowledge at that time of any POW's in Laos. It is according to the idea of General Le Wan Hoa who asked me to prepare such a statement. I was answering the questions.

Senator SMITH. So General Hoa instructed you to make that statement?

Mr. TIN. Yes.

Senator SMITH. I will yield at this time, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator.

Colonel, again, could you maybe come close to the microphone. When did you go to Paris to be part of the discussions?

Mr. TIN. Was that the discussion during the Paris conference? I have been never in Paris.

The CHAIRMAN. So, in 1973, I am sorry, I thought there was a period there you were. Only at the Camp David talks?

Mr. TIN. Yes. David Camp.

The CHAIRMAN. So that was the only period you were in discussions.

Mr. TIN. I was at Tan San Nhut.

The CHAIRMAN. But in 1973, you were a combatant in the south, correct?

Mr. TIN. I come to Tan San Nhut from Hanoi.

The CHAIRMAN. In what year?

Mr. TIN. Immediately after the signing of the Paris accords.

The CHAIRMAN. In 1973?

Mr. TIN. Yes.

Senator MCCAIN. He was part of the team involved in the exchange of POW's and the North Vietnamese came to Tan San Nhut.

The CHAIRMAN. For what period of time were you in Hanoi prior to that, before you came down to Tan San Nhut?

Mr. TIN. All of 1972 I was in Hanoi.

The CHAIRMAN. All of 1972?

Mr. TIN. Yes.

The CHAIRMAN. And part of 1973?

Mr. TIN. Yes.

The CHAIRMAN. And after going to Tan San Nhut, did you return to Hanoi?

Mr. TIN. Yes.

The CHAIRMAN. So there was a continuum of your presence in Hanoi, during that period?

Mr. TIN. Yes.

The CHAIRMAN. And that is the period you say you had access to the records and the record keeping about POW's. Is that correct?

Mr. TIN. Yes.

The CHAIRMAN. Now, during that period of time after the signing of the accords, the bombing of Cambodia continued and the flights over Laos continued. Correct? And what happened to the people who were shot down during that period of time?

Mr. TIN. I have not heard of it.

The CHAIRMAN. You do not know?

Mr. TIN. No.

The CHAIRMAN. You do not know if anyone was lost?

Mr. TIN. I only know about the activities of the American air force through Newsweek and other newspapers.

The CHAIRMAN. But there was a secret war that continued after the 1973 signing of the accords. Correct?

Mr. TIN. I know about that.

The CHAIRMAN. Do you know whether or not any American prisoners were taken during that secret war?

Mr. TIN. I never heard of anybody.

The CHAIRMAN. You never heard about it?

Mr. TIN. No.

The CHAIRMAN. Does that mean that you do not know, or does that mean you never had occasion to see anything? Can you be more explicit?

Mr. TIN. I have not seen, nor have I known.

The CHAIRMAN. During the war, the Soviets had some people in Laos. Is that correct?

Mr. TIN. Would you repeat?

The CHAIRMAN. During the war, 1971, 1970, 1969, 1972, the Soviets had some people in Laos, did they not?

Mr. TIN. Yes. A number of experts. Yes.

The CHAIRMAN. There were prisoner of war camps in Laos, were there not?

Mr. TIN. Not after 1973. I don't know if there was anything after 1973.

The CHAIRMAN. Prior to 1973, regular forces of the People's Army of Vietnam were in Laos. Correct?

Mr. TIN. Correct.

The CHAIRMAN. Those forces of the People's Army of Vietnam controlled the camps in Laos, did they not?

Mr. TIN. I don't think so and most of the work they did is to build roads in northern Laos and along the Ho Chi Minh trail.

The CHAIRMAN. But the point I am getting at is that the Soviet personnel who were in Laos conducted some interrogation of people who were captured in Laos, did they not?

Mr. TIN. I have not heard such a story.

The CHAIRMAN. Is it possible that they did? Is it possible that the Soviet special personnel were involved in interrogating some of the electronic surveillance flights that were shot down?

Mr. TIN. I'm not very sure, but it's possible.

The CHAIRMAN. What happened to those Americans captured in Laos who were turned over to the People's Army in Laos?

Mr. TIN. I don't think so. If they did they would have bring them directly to Hanoi.

The CHAIRMAN. Those were the instructions within the military?

Mr. TIN. Yes. I believe those are the instructions.

The CHAIRMAN. Are there documents that show those orders and those instructions?

Mr. TIN. I understand there is, but I don't know where there is any instructions.

The CHAIRMAN. Well, are there written documents of these orders?

Mr. TIN. No. I don't know.

The CHAIRMAN. You do not know?

Mr. TIN. Right.

The CHAIRMAN. Would there be any records that you know are available in Vietnam now that would indicate the standing orders?

Mr. TIN. It's possible they exist in the archives, but it's not directly to my knowledge.

The CHAIRMAN. So you do not know. You have not seen them, you cannot say where they are, or even if they exist?

Mr. TIN. No.

The CHAIRMAN. You do not know?

Mr. TIN. No.

The CHAIRMAN. Have you heard of the—or are you familiar with what is known as the 101st International Liaison Group that captured people in Laos?

Mr. TIN. No. Whose group is that, belong to who?

The CHAIRMAN. The 101st International Liaison Group.

Mr. TIN. I have heard very vaguely of that. There is some kind of a organization, but I'm not very sure of such news.

The CHAIRMAN. When did you hear of it?

Mr. TIN. Recently, about 4 or 5 years ago.

The CHAIRMAN. And what did you hear about it?

Mr. TIN. A number of so-called heroes who wants to go Thailand, from Thailand to go into Laos and try to organize a search to make themselves known, that is what I heard about it.

I'm not sure that these are very reliable stories.

The CHAIRMAN. I did not understand what that was, heroes?

Mr. TIN. Rambos, if you will, Rambos. That's another translation. The direct translation is people who want to call themselves heroes, who want to go from Thailand into Laos to make themselves a big name.

The CHAIRMAN. To do what?

Mr. TIN. To search for the missing in action.

The CHAIRMAN. You do not have a Vietnamese translation for Rambo?

Mr. LONG. Not yet.

The CHAIRMAN. Sylvester Stallone will be very upset to hear that. [Laughter.]

The CHAIRMAN. Coming back to the issue of Bob Garwood and the possibility of others being there in 1975 when the government of the south fell. You were in Saigon, correct?

Mr. TIN. Correct.

The CHAIRMAN. There was considerable disorganization nationally, is that not right?

Mr. TIN. Yes.

The CHAIRMAN. And there were not really good communications in all parts of the country. Is that accurate?

Mr. TIN. Is it between North and South Vietnam?

The CHAIRMAN. Well, between all of the provinces and the central government.

Mr. TIN. I think it was only a few weeks, but after that it's all reestablished.

The CHAIRMAN. It was reestablished?

Mr. TIN. We can even telephone from the central government to the district government.

The CHAIRMAN. Now when I was in Vietnam recently and talked with the General Secretary and the Foreign Minister, they indicated that after the government fell in the south there were some foreigners still there who were placed in camps, who were held. I think foreign journalists, perhaps some other foreigners.

Mr. TIN. I understand there are some foreign people, but I don't think they were placed in camps. I don't believe they are in prisoners' camps. There was a French general who has been sent out of the country. He has been extradited, but he has never been arrested. A number of American journalists. I met quite a number of camera people and American journalists. A few, a short time later they leave Vietnam.

The CHAIRMAN. Well, that is in fact what was indicated to me, that they subsequently left. But the question is could there have been any Americans who chose to live there at that point in time?

Mr. TIN. I have no news from them and I don't believe they are. I am a reporter and I'm very inquisitive, very curious to go into the new provinces to look for news, to find intelligence. And I never heard of those Americans.

The CHAIRMAN. Did you immediately travel to any of the provinces after the fall of the government?

Mr. TIN. Yes. I went to Metok and Hatchien and Chodel and Tienin, all over the provinces.

The CHAIRMAN. And you never heard anything of any American who was being held anywhere?

Mr. TIN. No. I never heard of any news at all.

The CHAIRMAN. Senator Grassley?

Senator GRASSLEY. Mr. Chairman, I am not going to ask any questions. I would like to just make a couple of statements.

They are kind of repetitive of something I have said before. For the benefit of the Colonel, I am not going to argue with him whether or not there are any Americans or other POW's in Vietnam.

I just would like to tell him that the purpose of this Committee is that there are a great number of people in this country who feel that there may be. This Committee is formulated for the purpose of finding out what our Government knows before we worry about what the Vietnamese government knows or does not know or the extent to which they are cooperating with us.

But for the benefit of the Vietnamese government and also for the benefit of the Colonel, I would suggest that if the Vietnamese government might be in a position of governments generally, that when they make a statement they find it difficult to deny it or back out of it.

I want to assure the Vietnamese government, I want to assure the Colonel that as far as I am concerned I would be one who if there is an American POW who comes out of Vietnam, to say that this is a very beneficial step toward normalization of relations. I, for one, would not as a Senator chastise or punish the Vietnamese government because of their willingness to help bring people out even though for a long period of time they have said that there are none there.

So that would bring me to the point of the existence of this Committee. I do not presume that people in Hanoi believe that this Committee was set up for the purpose of bringing charges or complaints against the Vietnamese government. If it were, I want to allay any suspicion they might have and say that this Committee was set up because under our system of government we have people who believe that our Government has not pursued this the way that they should. I am skeptical about that myself, but not accusatory. This is our effort to further our public's right to know and to get this information out. It is not to be punitive in any way or to build a case against the Vietnamese government.

The CHAIRMAN. I think that is a valuable statement. We appreciate it. Are there any further questions?

Mr. TIN. I have a statement that is exactly the meaning of my coming here.

The new leadership in Vietnam are not being tied down by the past. They have the opportunity to cooperate completely and fully with America. My recommendation to your commission are in that direction. Whatever the suspicion, we should lay it on the table. For example, refugees who come here have seen, who declare have seen so many people, who have seen a number of hundreds of remains. Let them go home back and show the places, point out the places.

And those of the live sightings, we should bring it out on the open table and exchange. That is the only way and the truth is always difficult.

The Vietnamese proverb says that even a needle that is very small, by the end it will come out. So that in the quest for truth there needs to be cooperation. That was my spirit.

The CHAIRMAN. Thank you very much. I think Senator Smith has a few more questions.

Senator SMITH. You have been very patient and we appreciate it. We are about ready to end this.

Just a couple of questions kind of scattered around here. We had some information in the late 1960's that there may have been a couple of deserters in the Danang area that did not come back. Do you know anything about deserters in Danang in 1968 or 1969 or in that period of time?

Mr. TIN. I have come to Danang many times, and also Hue, that was my native province. I never heard of such news. If there were, in the case of one live American, the people of Danang, the rumor would be all over the place and the whole country would know about it, especially for the last 5, 6 years, the question of a live American in Vietnam has been such an issue among the boat people who left. Before they left they would like to look around and see if there was anything they could bring out. And people who want a visa into this country would like to look around and find something. And the inquisitive troops belonging to the newspaper, he calls it an army of newspapermen, are very inquisitive about this incident.

And so many of the foreign reporters who came into the country and has been criss-crossing the place, French, Japanese, Americans, they all come to Hanoi and they met me. They also are very inquisitive. They want to see and hear. And we have not found any news.

Senator SMITH. You, in your statement, you said there are absolutely no live Americans in Vietnam.

Mr. TIN. In my knowledge, yes.

Senator SMITH. Absolute, but to the best of your knowledge, there are none?

Mr. TIN. Because I am very curious. I am a journalist and cover the program more than 30 years.

Mr. LONG. I am repeating. I am not translating.

Senator SMITH. Regarding, again, and if you have an answer to this question, I would prefer that—well, let me ask it this way.

Do you know, and if you do know, do not mention the name at this time, do you know who in Vietnam today would know if any American POW went to the Soviet Union?

Mr. TIN. Certainly.

Senator SMITH. You know who would know?

Mr. TIN. Yes.

Senator SMITH. Would you be willing to provide that to the Committee?

Mr. TIN. Yes.

Senator SMITH. Do you know anybody in the Soviet Union who would know?

Mr. TIN. In 1977, I was part of the delegation, a military delegation, headed by General Giap and we went to Moscow. That was the first group after the victory. I have talked to many generals and colonels. Their general feeling was that they were happy that we had been victorious.

However, but most of their advice to the Vietnamese, the Vietnamese never followed. That was April 1977.

In May 1977, I also went to Beijing for the same military delegation headed by General Giap. The generals, the Russian generals and Soviet generals and Chinese had the same opinion that the Vietnamese never followed their advice, always had a very independent attitude.

That means that the Vietnamese never followed exactly the recommendations from the Soviets and from the Chinese. For example, the military delegation from China to Vietnam always advised that we should never use battalion in Vietnam in the war because if we did the American fire power would destroy us. And the Soviet generals always tell us that it is very difficult for us to try to equal our fire power with the Americans. Never think of a general offensive militarily. You should think about diplomatic relationship discussions.

I brought this up to show that the Vietnamese are very sensible to independence. The Vietnamese have their own attitude. They are not following the Soviet or the Chinese. The only thing is to receive arms and munitions and not allowing the desire or the opinion of the other countries to influence them.

Senator SMITH. Colonel, two final quick questions.

To the best of your knowledge, either directly or indirectly, do the Vietnamese have a mortuary of American remains in Vietnam?

Mr. TIN. I don't believe so.

My friend, Mr. Nhuyen Tuc Hai, he died, he was a classmate. He was the director of the Center for Enemy Propaganda. We studied together in Hue for 7 years. He is directly responsible for this issue. He died 3 years ago because of a liver ailment.

He always said to me that as soon as we have about 10 or 12 remains, we would pass it on right away to the Americans because the Americans also were having pressure on that. Then we have to send people out to collect the remains.

Senator SMITH. A last question. In the so-called discrepancy cases that General Vessey is now talking to the Vietnamese about, those cases in some cases are about missing American servicemen who had been captured and filmed, interrogated, all of these things on the record.

Yet, we still do not know, the Vietnamese tell us they do not know what happened to them, given your knowledge and testimony today about the sophisticated records that they have, how do you explain the fact that the Vietnamese could not tell us what happened to a man who had been captured, filmed, interrogated, seen by other POW's, how could they not know what happened to him?

Mr. TIN. I suggest that these kinds of cases we should leave it, put it on the table with the new Defense Minister, with the new General Staff and the Politburo and all this evidence should be publicly shown to them. Then they must surely come to certain results.

Senator SMITH. Well, they do not. They have not.

Mr. TIN. To find out up to what stage of resolution these issues has been solved.

Senator SMITH. I yield, Mr. Chairman.

The CHAIRMAN. Are there any further questions?

Senator MCCAIN. Mr. Chairman, could I just ask, real quickly, two questions? One, Colonel Bui Tin, how do you explain the fact that a very significant percentage of prisoners who were shot down over Vietnam were returned, yet there were very few who were shot down over Laos who were returned?

Mr. TIN. I have heard—I have been thinking about this issue. The Laotian soldiers is very kind, because they are Buddhists, except those from the Meo Hmong tribe. I think that they do not have any wicked attitude toward the prisoners. I think the real cause are the Lao forests, the tropical forests.

Senator MCCAIN. Colonel Tin, finally, obviously the Vietnamese placed great value on the prisoners of war, and it was in their interest to keep them alive. What value, what use did the Vietnamese Government want to make of the prisoners of war?

Mr. TIN. I have been witnessing the policy, the humanitarian policy in the camp toward the prisoners. We have direct instructions from the late President Ho Chi Minh to give them higher rations than the troops because they have been exposed to a better standard of living.

Senator McCain. Not to interrupt, but what reason? Was it to use as a negotiating chip at the bargaining table? Was it to use for publicity purposes to help win the war, or what other reason?

Mr. Tin. I have no feeling and no thinking that they are using the prisoners of war for political reasons. I don't believe they have held the remains for negotiation or for bargaining.

I understand that some of the leadership is very stupid and very low educational level, but they have enough intelligence and wisdom not to use this remains as bargaining chips, and they believe—they know, they understand that this is one of the priorities of Americans in the negotiations.

Maybe down at the district level, perhaps those people at the lower levels say, we have 200,000 missing in action, why do we have to worry about a few Americans? These are at the very low level.

Senator McCain. Thank you. Thank you very much, Mr. Chairman.

The Chairman. That is an important issue. What you're saying is that in the general population in Vietnam there is not as much support to look for or find the remains. Can you be more explicit?

Mr. Tin. These people do not believe in this kind of reward because it doesn't come from the Government. This says, $2,400,000 reward for American prisoners of war delivered by the International Red Cross.

People only believe in this when they have the mass media communication by the Government, so that if the Government communicates that there is a reward for a certain limited period of time, then it is possible that the militia who has buried those remains, they may try to go and bring them up. These kinds of cards, these kinds of communication, only force people to go and dig up the tombs of hundreds of people in certain cemeteries.

The Chairman. Are there any other questions?

[No response.]

The Chairman. Just a personal question. Where were you in 1968 and 1969?

Mr. Tin. I was in Quang Tri Province.

The Chairman. Well, I'm relieved to know that.

Colonel, thank you very much for taking the time to be here with us. I know you delayed your trip back to France in order to be here today.

I don't know if you would like to spend a minute, but some of the team from Vietnam is here. Mr. Bill Bell is here, and he might want to have a minute or two to talk to you a little bit, so if you could spend some time with them, I think that would be very, very helpful.

We thank you for your testimony. The Committee will take a recess until the hour of 2 p.m., at which time we will hear from the authors of two books and then move into some of the photograph testimony later this afternoon.

Senator Reid. Mr. Chairman, are we going to finish these panels today?

The **Chairman**. We will finish these panels today. We are going to try to move a little more rapidly if we can this afternoon. We will commence at 2 p.m.

[Whereupon, at 1:15 p.m., the Committee recessed, to reconvene at 2 p.m.]

AFTERNOON SESSION

The CHAIRMAN. The hearing will come to order. There's a great deal to try to cover, so we want to try to move right into it as rapidly as we can. I would like to ask both of you if you would stand so I can swear you before you get too comfortable.

[Witnesses sworn.]

The CHAIRMAN. Our witnesses are Monika Jensen-Stevenson, who is the author of the book, Kiss The Boys Goodbye, and Nigel Cawthorne, who is the author of the book, The Bamboo Cage. Both have obviously spent time researching this issue, and we welcome your testimony this afternoon, thank you. Ms. Stevenson, why do you not start off?

STATEMENT OF MONIKA JENSEN-STEVENSON, AUTHOR

Mrs. JENSEN-STEVENSON. It's a great honor to appear before this distinguished group of Senators. I know that many of the Senators on this Committee have worked long and hard to finally bring to justice an issue that has so strongly affected our country and has for so long been neglected. I was told that I only had 5 minutes so I'm going to make this very brief.

The CHAIRMAN. I don't think we have given anybody less than 7, and I don't want anybody to be an exception to this rule. I'm happy to give you the 7. The reason we're trying to hold the openings down is not to exclude the testimony, because we're going to put the full testimony in the record. It is really to allow more time for questions and more time to be able to talk, and obviously if there is something you want to say——

Mrs. JENSEN-STEVENSON. That is what I was going to say. I hope you will feel free to ask me any questions and ask tough questions if you want.

I came here at my own expense here today because I and my husband have spent the last 6 years of our lives researching and writing a book about the subject you will address. The conclusions we drew were ones that I would have thought inconceivable 10 years ago.

I am here because the response to the book has made it overwhelmingly clear that the many people who concern themselves with this issue need desperately to have one segment of the U.S. Government champion their right to know the truth about what happened to American soldiers who were taken prisoner in a war that everyone wanted to forget about as soon as it was over.

This issue, as we see it, is about trust between citizens and their Government on that most important contract when soldiers risk their lives for their country and the country promises certain protections in return. Sadly, in my view, that trust has been badly abused by the Government agencies who have controlled the POW issue.

When I began this story for 60 Minutes program, I was an experienced reporter. I was not naive. I felt that almost nothing would shock me, but I was shocked to find that my Government, which I believed had a common objective with the families of the missing and veterans, was deliberately lying and putting an incomprehensible resistance to the people whom they were most obligated by moral, legal, and constitutional mandate to protect.

We found, my husband and I in the writing of the book, that the interagency group which controls this issue not only lied with impunity, they did so with the full conviction that they had a moral right to do so. We wanted to find out why, but the best answer we ever got was that it was necessary for reasons of national security. Whatever that meant in that context, it did not include the American soldiers who were caught by a vicious enemy in war situations that embarrassed this country.

The soldiers lost in Laos, for example, were protected by no national security umbrella, they were simply designated nonexistent. The official Government position has always been that there is no credible evidence of prisoners left behind in Laos or anywhere else in Southeast Asia. With the best will that can only be described as a blatant lie, yet it is policy.

We came across large amounts of credible evidence, evidence collected by the most expensive and the best technology in the world, as well as that reported by competent and loyal human agents, many of whom were our former allies and risked their lives, their limbs, and also lost prisoners in that conflict, evidence that was described on my 60 Minutes segment by Gen. Eugene Tighe, the former head of the Defense Intelligence Agency, as a miracle.

Now, if the head of the Defense Intelligence Agency in all those critical years knew that it was a miracle, we believe that the interagency group controlling POW's also knew it, yet almost all of that evidence, a lot of it, has been inexcusably retired, left to disintegrate and be destroyed. That is a fact which will make this Committee's job very, very difficult.

Another devastating lie is that if men are still alive, they are there by choice. My husband knows something about that. He saw French prisoners long after the French Indochina War was over and filed a report with the Canadian Government. The Vietnamese displayed these prisoners to my husband as converted communists, but it was clear that they were prisoners, and that they were under extreme duress.

Like Bobby Garwood in Vietnam, abandoned by their country, they had no way of telling the truth about their real position without forfeiting their lives. We believe the POW-controlled group knows that about Bobby Garwood and the other American prisoners that they have reports on.

Another lie is that the Vietnamese never offered to return prisoners. We, too, have talked to the Vietnamese, my husband more extensively than I, and we have talked direct to people who were direct witnesses to meetings where the Vietnamese made an offer of prisoners for money. One was made to the Woodcock Commission in the late 1970's.

The truth is that lies have become U.S. Government policy on prisoners, and that's a policy that is more generally known as plausible deniability.

I would like to give you just one very graphic example of what happens to credible intelligence and what happens to our institutions. One of our sources is a retired CIA man of high rank who personally saw prisoners in Laos in the early 1980's.

He reported this to the appropriate agencies, and he knew which ones they were. The negative response spurred him to look into that policy, and what he found was a deliberate, organized attempt by some intelligence officials to misinform and harass the families of the missing who were most vocal in their disaffection of Government policy.

He brought very specific charges to the Justice Department. When we tried to find out what happened to those charges, they had disappeared. All that one investigator could find was a self-serving document that cleared DIA of all wrong-doing. The investigator then asked the Department of Justice for the full file. The official said he would have to take this up with another Government department, and later the official withheld the complete file because of a third agency's objection.

Is this what American justice has sunk to, that a third agency without identifying itself can interfere with critical matters affecting the lives of prisoners of war that are brought before the Department of Justice?

I know that many of the readers of our book find this unacceptable, and we hope and they hope that you will not only address this problem but that you won't allow this investigation to be made ineffective by the same kinds of abuse, abuse of secrecy, and that you will rectify this kind of activity.

I have been asked to bring up one more matter by the people who have been working quietly and diligently on the issue of live prisoners. They are concerned that perhaps this Committee will address itself too much to the issue of remains and not live prisoners, and they recognize that you have a full year's investigation ahead before you can issue any definite statements about prisoners, but they are urging that you issue now a public statement which says, if there are Americans alive in Vietnam, Laos, and Cambodia who were taken prisoners during the Vietnam War or because of activities growing out of that war, the Select Committee will welcome them home.

[The information referred to follows:]

THE STORY

I was pregnant with my first child when this story began with an episode I produced for CBS TV News' *60 Minutes*. Soon my daughter will be 6 years old. I am aghast at how she has gone through so many stages since I produced that segment about men who might be dead or alive. For Americans who are among the missing, though, whole life-times has passed. Their children are fully grown.

My *60 Minutes* report, aired during the Christmas season of 1985, looked at the possibility that U.S. government spokesmen were not telling the whole truth about men and women of the armed forces being left behind in Vietnam when they said that there was no credible proof that prisoners had been kept by the enemy. President Richard Nixon had promised, on January 23, 1973, that with a ceasefire imminent "all American prisoners-of-war [POW's] throughout Indochina will be released" with "the fullest possible accounting for all those who are missing-in-action [MIA's]." MIA's are American servicemen who were involved in specific battles with the enemy, but who were not acknowledged officially to have been either killed in action (KIA) or taken prisoner by them. In many cases, I found later, their capture and imprisonment was monitored by U.S. intelligence.

I had stirred up a hornets' nest. From all over the United States, and later from abroad, came letters and telephone calls from Vietnam veterans, families of the missing, and serving officers who said they were relieved that finally a powerful news outlet had the courage to deal with a great national scandal.

The last thing I had in mind while preparing the television news-magazine segment was to expose an American scandal. I was so innocent that when I got calls from a National Security Council colonel in the White House to drop the story, weeks before I had completed the necessary interviews, I failed to take his threats seriously. My knowledge of Vietnam was limited to what I had read in the newspapers at the time (much of it forgotten) and to wearing a POW bracelet while I was a student at the University of Wisconsin. The emotional impact went no further than my distress over the disappearance of my friend Lance Sijan, a Phantom pilot who behaved with incredible heroism after he was shot down near Hanoi. For me, "the longest war in American history" had no clearly defined beginning or end.

However, when I began to research the story, I found that much of the background of the POW/MIA issue was already on the record. There were said to be 2,497 unaccounted for by the 1980s, but the figure fluctuated. I quickly learned that President Nixon's promise had not been kept. When prisoners were officially released in the early months of 1973 the enemy gave virtually no accounting of the missing in action. The North Vietnamese released 591 men—far less than anyone expected.

Among those unaccounted for were prisoners lost during the secret war in Laos. It had been a long though unacknowledged war. When French rule ended in 1954, the enemy had used terrorism and treachery. He routinely exploited neutral territories in Laos and Cambodia to smuggle weapons into South Vietnam—against international agreements. But the U.S. had responded in kind since 1958, 6 years before Congress passed the 1964 Tonkin Gulf Resolution that formalized U.S. entry into Vietnam. The secret "war" in Laos continued throughout the Vietnam conflict.

In January of 1973, just before the Vietnam peace accords were signed. the Pentagon books carried the names of 317 men missing in Laos. At the same time U.S. government spokesmen were quoted as saying they believed the number was much higher. The Communist Pathet Lao spokesman, Soth Petrasy, told reporters that the Pathet Lao had a detailed accounting of prisoners and where they were being held. He insisted that they would be released only if there was a separate truce agreement between Laos and the United States. Some headlines of the day tell the story: "Pathet Lao says no truce, no American POW's," "Fate of U.S. POW's still a mystery," and "U.S. demands list of POW's in Laos." But the Pathet Lao, were not part of the negotiations for the release of prisoners.

Secretary of State Henry Kissinger insisted to the public that prisoners in Laos would be returned by Hanoi. He maintained this stance despite the fact that Bui Tin, chief spokesman for the North Vietnamese, also insisted the United States must deal for prisoners held in Laos with the Pathet Lao. Tin said, "We clearly reiterate our position that the question of persons captured in Laos is within the sovereign power of Laos and beyond the competence of the four part joint military commission." Despite evidence to the contrary, Kissinger said he had been told there were no POW's in Cambodia.*

Just before the release of the last group of prisoners from Hanoi after peace terms in March of 1973, the Pathet Lao, in a statement laced with undertones of malice, agreed to the release of 9 Americans captured by the Vietcong in Laos. Their agreement was redundant. All 9 had been captured by, and were in the hands of, the North Vietnamese. No single prisoner captured by the Pathet Lao was ever released. On April 14, Roger Shields, the Pentagon's Prisoner of War Task Force chief, said "there were probably no more live American soldiers loose anywhere in Indochina." Families of the missing claim it was a statement he would later say had been forced on him. Shields said, further, that there was no evidence that any POW's (with three exceptions) had been executed during the war years. So where were the 371 and possibly more men known by the U.S. government to have been captured by the Pathet Lao? There was no answer from any of the governments involved.

The families of these men had become alarmed when, on June 8, 1973, a North Vietnamese defector named Nguyen Thanh Son surfaced. He told AP, UPI, and NBC correspondents that he had seen 6 prisoners. He believed they were Americans who had not yet been released. An American officer present at the interview requested that news services play down the details. Soon after I began questioning families of MIA's about this press conference, I received a copy of a State Department declassified telegram which persuaded me that the National Security Council move to stop my story was not the first time attempts had been made to silence the media. The telegram, sent from the U.S. embassy in Saigon to Washington, said, "in follow on [defector Nguyen Thanh Son] . . . AP mention was consistent with embargo request, while UPI and NBC after talk with embassy press officer omitted item entirely from their stories."

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* On March 17, 1976, 3 years after Kissinger had proclaimed there were no prisoners in Cambodia, Lt. Gen. Vernon Walters said, "In Cambodia, several personnel known to have been captured prior to April 1975 have never been accounted for."

Missing from the group of men who were returned by the North Vietnamese were over 50 men known by the U.S. government to have been captured and held prisoner at one time or another. Beyond that there was a large number of men suspected of having been captured by the North Vietnamese. Many returning prisoners had seen such men being taken captive or displayed to Vietnamese villagers, but they had never been seen in the prison system. I would learn later that the U.S. government had a list of over one thousand such men—a list that included detailed knowledge of their capture, physical condition, and whereabouts until 1975, when Saigon fell. The United States was able to obtain such information on its prisoners through electronic eavesdropping and its extensive network of Vietnamese agents.

Other prisoners who were not acknowledged were all those whose existence had not been verified by returning prisoners. According to some intelligence analysts who tracked prisoners, the U.S. government knew that many were kept in remote prison camps, although it listed such men in the MIA category. Some of those prisons and camps were especially geared for technical talents—highly skilled American servicemen who had expertise in fields like electronic warfare, about which the North Vietnamese and their Soviet and Chinese allies needed information. Some of those special talents were put to work in highly secret North Vietnamese war projects; others were farmed out to the Soviet Union or China. Amputees, the emotionally disturbed, and other seriously maimed prisoners were kept in special camps from which not one prisoner returned. Most astounding, some prisoners were actually hidden in the main prison compounds in Hanoi. One such man, Air Force Col. Norman Gaddis, who was shot down on May 12, 1967, did appear on the 1973 list of returnees—unexpectedly. He had never been accounted for by the Vietnamese. Yet for almost 4½ years he was kept in a section of the prison known as "Heartbreak Hotel". In all that time no other American prisoner had seen him. If he had not finally been spotted by other prisoners after the Vietnamese moved POW's and consolidated them in several key locations because of the attempted Son Tay raid to rescue prisoners on November 21, 1970, Gaddis would probably have ended up an MIA.

I learned of another group who never came home. Hearing of *60 Minutes'* plan for a segment on MIA's, a few families contacted me about a subject they had held close to their hearts for 12 years. Their men had been sent on missions, primarily in Laos and Cambodia, after the peace accords were signed on January 27, 1973. Some of these men had voiced their objections to base commanders, because they feared that if they were caught by the enemy in contravention of the Geneva Agreements, they would be charged as war criminals. The families who came to me had excellent intelligence information that their men had not been killed in action but had been captured.

After the ceasefire, the U.S. had demanded from the Vietnamese and the Laotians lists of all prisoners on their records. It was made clear that the Vietnamese were expected to return all prisoners captured by their allies. I was shocked when I was told that some of those prisoners, captured in Laos after the ceasefire and known by the U.S. negotiating team, through the efforts of U.S. intelligence eavesdroppers, to be alive and in captivity, were first penciled in on the list of prisoners that were demanded from the Vietnamese and then crossed off. To acknowledge them would have meant acknowledging the continuing involvement of the United States in covert wars in Laos and Cambodia. I was told by the families that some Department of Defense officials were so disturbed by this that they registered their objections in writing. Those documents, I was told, were classified.

It was easy for me to understand why the Pathet Lao would continue to hold prisoners who had not been negotiated for by the U.S. government or who were caught in contravention of the peace agreements. It was harder to understand why the Vietnamese would hold on to prisoners after the peace was signed. Then I learned this was not the first time the Vietnamese Communist government had kept prisoners long after a conflict ended. French POW's were sold for many years after the French-Indochina war, for cash and other concessions. They were called "pearls."

A former foreign service officer in Vietnam, considered to be one of the foremost experts on the French POW/MIA experience, testified before a 1976 House Select Committee that 200 French POW's were released by the Vietnamese some 11 to 14 years after the war. The Socialist Republic of Vietnam had never admitted holding them. She suggested to the Committee that American government representatives speak to the Vietnamese not about prisoners, but about deserters, or better yet, "war criminals," since the Vietnamese had categories for such men, but none for prisoners. The French had paid an unrevealed but supposedly large sum for French remains and the maintenance of French graves and cemeteries in Vietnam, she said.

It seemed that the U.S. government had expected to bargain for prisoners, but somewhere along the road, abandoned the idea. Article 20 of the Peace Agreement stated:

> The United States anticipates that this agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam as with all the peoples of Indo-China. In pursuance of its traditional policy, the U.S. will contribute to healing the wounds of war and to post war reconstruction. . . .*

President Nixon reinforced that pledge with a secret promise of 4½ billion aid dollars in a letter to Prime Minister Pham Van Dong on February 1, 1973. That letter was not released until 4 years later. The promise of reconstruction aid was never kept, largely because Congress, angered by reports from returning prisoners of war of torture and mistreatment by Hanoi, would never grant such aid. Because of Watergate and his attendant resignation, Nixon lost all possibility of arranging fund transfers from other programs. The promises that were not kept rankled the Vietnamese Communists. Time and again they were to hint during negotiations that the prisoners issue was tied to the promised reconstruction aid.

Over the next 12 years, scores of Vietnamese refugees told stories of prisoners who were held back as "pearls," but who were never bargained for by the U.S. government. There were stories that the Vietnamese aired statements made by U.S. government officials who claimed there were no more prisoners in Southeast Asia, in order to humiliate and torture prisoners who had been left behind.

The fact that prisoner returns were intimately connected to payment of reconstruction funds was clearly understood by the 1976 House Select Committee on Missing Persons in Southeast Asia. On December 13 of that year the members concluded their report, *Americans Missing in Southeast Asia,* with the following statement:

> That the Socialist Republic of Vietnam has called for selective implementation of the Paris Peace Agreement specifically article 21 dealing with American reconstruction aid to Vietnam in exchange for POW/MIA information under article 8b. (p. 239).

Over the years that knowledge received little attention from committees on Capitol Hill. Perhaps lawmakers were too busy, but it seemed to some families as if a war of attrition was being waged against the men who had been left behind. No matter how much solid intelligence was obtained that men were alive and imprisoned in Vietnam, some government official or committee would find a way to negate it—even when those intelligence chiefs in charge of the issue declared that they too believed men to be alive and imprisoned in Indochina.

What started as possibly an error of judgment, or an act of political expediency, grew with the passing years into a conviction that national security would be hurt by the disclosure that U.S. intelligence capabilities, which were formidable, had failed to serve the men who fight.

Hundreds of refugees reported seeing American prisoners in all parts of Communist Southeast Asia in the early postwar years. Some of those refugees had spent time in prison with Americans. A few of them took their responsibility to report what they had seen seriously enough to testify under oath before congressional committees. Analysts at the Pentagon's Defense Intelligence Agency (DIA), often took seriously one part of a witness's testimony only to debunk that part having to do with live men. For example, in the early 1980s, a former Vietnamese colonel of Chinese descent testified in disguise before a congressional committee about a warehouse of remains of over 400 Americans in the heart of Hanoi. He explained the Vietnamese would cold-heartedly pull out some of those remains and return them to the United States when diplomatic concessions were required. The colonel, known as "The Mortician," passed lie-detector tests, and his story about the remains became part of DIA formal history. Yet a retired DIA official told me that The Mortician had been just as truthful about live prisoners. He had testified that he personally saw groups of prisoners on numerous occasions before he fled Vietnam in 1979. That part of his testimony, even though he had passed all interrogations and lie-detector tests with flying colours, was determined to be a fabrication.

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* On February 21, 1973, a peace agreement between the Laotian Provisional National Union government and the Pathet Lao was signed. The agreement also took note of a promise of aid from the U.S. government. Article 1, Sec. c. read: "The two parties take note of the declaration of the U.S. Government that it will contribute to healing the wounds of the war and to post-war reconstruction in Indo-China. The Provisional National Union Government will hold discussions with the U.S. Government in connection with such a contribution regarding Laos."

There was an effort to steer anyone with an interest away from the subject of living men. It took me a long time to see that the issue was larger than the roughly 2,500 MIA's admitted to by the U.S. government.

My real education began after the *60 Minutes* broadcast. The show had presented two sides of an argument. One was that there was no credible evidence that anybody had been left behind from among loyal, serving Americans. This was the government case, but officials covered themselves by adding, "If any are still there, getting them back is a priority—unless they're deserters and traitors." The opposing view was that our intelligence on prisoners was voluminous but never put to use; two highly qualified Special Forces men said the intelligence was suppressed.

My husband had many friends in the military and intelligence. So did I. He also had a great deal of experience in Southeast Asia. He could assess the growing complaints reaching my office that secret intelligence was not serving those it was meant to serve. Vietnam marked the blossoming of covert warfare. If the men who fight these wars cannot depend on the intelligence services, they have justification for asking awkward questions.

Those who contacted me were driven by anger and concern for the defense of their country. Their misgivings had crystallized around the POW/MIA issue because many proffered detailed knowledge of how American intelligence on prisoners had never been acted upon. I might have dismissed their allegations if I had not received those curious NSC threats; and if, after *60 Minutes* ran my segment on prisoners, a Pentagon publication had not appeared, exclusively devoted to branding as liars all those who had appeared on the program to state their belief that, based on the best possible current intelligence, prisoners were still being held by the Vietnamese and their allies.

Kinfolk of the missing, and the doubting vets, lacked the resources of a national broadcast-news network. I could call upon such resources, but I was to experience a milder and briefer version of the nightmare of frustration experienced by these Americans. Intelligence documents were declassified, then hastily reclassified when the critics pointed out discrepancies and demanded answers. Some vets with experience in electronic intelligence in Southeast Asia had started to build complex information networks. By 1989 these networks were described by one former intelligence officer, Col. Earl Hopper, Sr., as "better than the intelligence resources at DIA"—even though the Defense Intelligence Agncy had the task of coordinating all intelligence on the missing. Colonel Hopper's son, also a colonel, was still among the missing.

The DIA director, through the toughest war years and long afterwards, was Lt. Gen. Eugene Tighe, who told me flatly that he had seen the best possible evidence of Americans still alive. For speaking out, he was publicly humiliated.

He was not alone among senior officers whose audacity was punished when they failed to toe the official line. Yet they had to confide to somebody. They peeled away my innocence. First I learned never to ask direct questions when mysterious references were made to outfits like ISA, MACV, SOG, CCN, or SLAM.* Bit by bit, I discovered these were units with roots in a special secret service created in 1958, nominally under the South Vietnamese president, and supported and financed by the Central Intelligence Agency.

I found that intelligence on prisoners had been efficiently collected; so much so that today, more than 14 years after the U.S. evacuation of Saigon, all Vietnam is laced with grapevines of human intelligence on prison camps—on who is in them, and on who runs them. Yet despite the intelligence and despite the existence of a special unit designed to rescue them, no American military prisoner was ever officially brought out. POW's and MIA's seemed to be getting lost in what many military men considered an ever-increasing isolation of intelligence agencies.

A friend of my husband, with intelligence experience going back to World War II, suddenly resigned from the CIA. He had quarreled with the Director, Bill Casey, the year before Casey died in 1987. Casey, he said, tampered with intelligence reports, and slanted them to suit White House thinking. It wasn't in the spirit of the words at the entrance to CIA headquarters in Langley, Virginia, which quoted the biblical promise that " ye shall know the Truth, and the Truth shall make you free."

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* For further details on these units see pp. 181–2 and the glossary.

My husband's friend had held one of the most sensitive posts. Now he was discarded, implying serious problems in the agency. This was a difficult conclusion for my husband to reach. He had liked Casey as CIA director.

A new director, Judge William Webster, appeared before Senate Intelligence Committee hearings on April 8, 1987. The Committee, judging Webster's fitness for the new task, asked him what his philosophy on intelligence might be. Webster said he could add nothing to what my husband had written in his book *A Man Called Intrepid.* "Among the increasingly intricate arsenals across the world, intelligence is an essential weapon, perhaps the most dangerous. Safeguards against its abuse must be devised, revised, and rigidly applied. . . . The character and wisdom of those to whom it is entrusted will be decisive. . . ."

Americans really have little opportunity to know if they have abdicated a small part of their freedom to people they *should* trust. They dutifully refrain from poking their noses into national secrets, confident that those who guard them are doing the best possible job with the greatest integrity. The armed services, in turn, need the best possible intelligence to carry out their duties. They deserve first consideration. If an American is taken prisoner, he should know that he will get the full and non-political attention of his country's formidable intelligence resources. Admiral William Crowe said at his retirement as Chairman of the Joint Chiefs of Staff in the autumn of 1989, "We need first and foremost the best possible intelligence." He should have added, "And the integrity to act upon it for the good of all the people." Without integrity, secrecy can become a license for opportunists to distort and corrupt the system. It suddenly struck me that, for once, ordinary Americans could get a sense of how effective these intelligence services were from the way the POW/MIA issue had been handled.

My husband knew something about such things. He had extracted a Canadian fighter pilot from China, where Communist officials swore they knew nothing of the flier's existence. He had talked to French prisoners in Communist Vietnam, long after Hanoi and Paris jointly agreed that none existed.

What we could not understand, as we went along, was the intelligence bureaucrats' fear of re-examining their own performance. Were there deep reasons for hoping the issue would die in time, just as death in time must release all Americans left behind? Or was it merely a military *morale* problem?

One ordinary American who felt she could break the usual conventions of secrecy was Ann Holland. Her husband, Melvin, had vanished at a super-secret base in Laos. He was not in uniform, and technically there wasn't a war there. Ann had obeyed all the demands made upon her by the U.S. Air Force officials to stay silent. Then she discovered that nothing at all was being done for her husband; and she would not be jeopardizing any rescue operations, which she thought were in progress, if she made waves. She was like a growing number of Americans who gladly surrendered a part of their independence in the interests of "national security," but who decided that, on this issue, they had every right to ask questions in public and demand replies from public institutions.

She wrote me after seeing the *60 Minutes* segment: "The pain the families have had to live with. . . . The nights, the sleepless nights . . . I would find my youngest child wandering through the house looking for something. Looking in closets, cupboards . . . and when I asked what he was looking for, he didn't know. . . ."

Her children have grown up with a ghost for a father. Ann would write me again: "Two of my sons now serve in the Air Force. If I quit asking questions now, who will be there for them if their time comes? This is *our* country and if the people running it aren't doing their very best, then they need to be reminded of what this country stands for. We do *not* leave men behind who gave all they had to give when they were asked, believing we would give all we had to give to get them back."

Not all my sources put things down on paper. I taped many conversations and to give a sense of just a few of the stories of courageous Americans like Ann, they are quoted to illuminate both the issue of POW's and the abuses of secrecy. Some of our sources were afraid to be identified. In the end, however, most decided to risk their careers or harassment, and agreed to let me use their names.

I am not by nature secretive, or cautious. But since that seemingly innocent entry into a secretive world 5 years ago, I have learned not to take things at face value. One of my tutors was Ross Perot, who is much more than a Texan entrepreneur. He displayed a grim resolve to get to the bottom of the POW/MIA issue from the moment he realized the numbers of prisoners returned in 1973 were inexplicably small.

I called him one day about an inquiry from a "federal government investigator." The man wanted to question me about possible crimes involving U.S. officials in Southeast Asia. He gave me his office phone numbers and his official designation.

Perot used his resources to probe. He called me back. "If there's such a government department, I'll buy you the biggest steak in Texas," he said.

Perot had to pay up. We discovered there was an investigative service buried within the General Accounting Office in Washington, DC. It had no authority, though, to dispatch agents to find out what I might know. I rejected the man, who had asked me to cooperate in "a matter of national security." He then showed his true colors. "You'd better be sure to tell the truth in your book," he said. I had never told him I was writing a book.

So many of our sources had similar stories to tell. Calls in the night. Veiled warnings. I didn't believe them. Not in the beginning. In the end, I kept going for the same reason that motivated Ross Perot. It was "the right thing to do."

It seemed the right thing to do because so many of the POW/MIA families and the veterans of the war had never had the opportunity to tell their side of the story. Since 1981, the government, including the official organization designed to deal with the issue, had said that the issue of POW's and MIA's had the highest priority, but that there had been no credible evidence of men left alive in captivity that was strong enough to act on. They had many outlets for telling their side of the story and they had the advantage, because so much of the material on POW/MIA's remains classified.

The secrecy that cloaks the issue has led many people to conclude that there are some in the government who don't want the truth to come out. The natural question that arises is "Why?"

There are undoubtedly many reasons behind the reluctance of officials to look seriously at the allegations of those most directly involved in the issue. Some of those responsible have been caught up in bureaucratic inertia, some have acted on directives that they thought were legal and appropriate, others have acted from a moral and professional belief that the POW/MIA issue could be resolved properly only if national-security concerns were paramount, and some have seemed motivated primarily by a desire to defeat Vietnam and its allies in Cambodia, and have tied the POW/MIA issue to the resolution of that situation. Some have possibly believed that activists might compromise government efforts to get men back—either through rescue missions or relocation. Some have engaged in Iran-Contra-like activities, demonstrating the same confusion of motives that were revealed during those hearings. Just as with Iran-Contra, it is almost impossible to say which bureaucrats and which government departments were responsible for specific actions.

However, pinpointing motives and pointing the finger at individuals was never the object of this book. That is the job of the appropriate government agencies. We wanted to give voice to those Americans who had not been heard and who seemed to have good cause to criticize and to demand an overhaul of a system that stalled whenever they asked for a proper accounting of their friends and loved ones lost in Southeast Asia.

The CHAIRMAN. Thank you, Ms. Stevenson. Mr. Cawthorne?

STATEMENT OF NIGEL CAWTHORNE, AUTHOR

Mr. CAWTHORNE. Gentlemen, my opening statement should be my book, The Bamboo Cage, which says all I have to say about this issue. However, my book is not published in this country and it is extremely difficult to obtain over here, so perhaps I should summarize the main points.

The book maintains that more U.S. prisoners of war were taken than were ever admitted to. The source for this is the Department of Defense's own documents. As you know, much of the figures for casualties and body counts given during the Vietnam War are pure fiction, and in any war manipulation of such figures for morale and propaganda purposes is inevitable. The papers also show that prisoners were segregated into distinct groups, and the conditions that some of the prisoners were kept in do not match with the experiences of any man who returned in Operation Homecoming in 1973.

During the war, the National Security Agency made an analysis of what happened to pilots who were shot down. They noticed that most of the airmen downed near the main prison camps around

Hanoi and Haiphong were taken there and did not pass any installation of strategic importance on the way. Injured men were thought to be taken to China. Those with special skills or vital strategic information were taken to the Soviet Union. They did not return.

The CHAIRMAN. Who is asserting that?

Mr. CAWTHORNE. Jerry Mooney, largely, but what he asserts is corroborated by some of the documents.

The CHAIRMAN. I am just curious. Go ahead.

Mr. CAWTHORNE. Men captured along the Ho Chi Minh Trail and in other areas where manpower was needed, were forced into slave labor. Plainly, those who had worked on projects with strategic importance like the huge underground warehouses at the southern end of the infiltration routes that were being prepared for the eventual invasion of South Vietnam could not be returned. The Communist Vietnamese could not return Americans who knew of their plans. After debriefing, their remains were given directly to the government of the Republic of South Vietnam who continued fighting the Communists for 2 years after all prisoners were supposed to have been returned.

The papers also make it very clear that American prisoners were taken, and held, by the Pathet Lao. The NSA knew this too. None of these Americans taken by the Pathet Lao were ever returned, even though the Pathet Lao said, during the war and afterward, that they were holding American prisoners.

These men, it was said, would be returned after the war in Laos was over, and the U.S. bombing of that country ceased. The U.S. bombing of Laos did not end until August 1973, 4 months after the American administration said all American prisoners of war had been returned from Laos, Cambodia, and Vietnam.

From their analysis of the radio traffic, the NSA knew that not all prisoners would be returned at the end of the war. Some had been earmarked as bargaining chips—hostages—held against the reparations the American Government had long talked of.

Perhaps the NSA knew of the situation of the French prisoners from the First Indochina War. After their defeat in 1954, the French government spent millions of dollars ransoming their prisoners. They were still being returned as late as 1979, 25 years after they had been captured. Certainly the CIA knew this. American intelligence documents show that it was known that French prisoners from the first Indochina War were still being held in the area around Ba Vi, throughout the second Indochina War—the American war—from 1965 to 1973.

Not only was it known that the Vietnamese were holding American prisoners hostage, there were even attempts to pay a ransom. On February 1, 1973, 5 days after the Paris Peace Accords were signed, President Nixon secretly wrote to Pham Van Dong, Premier of the Democratic Republic of Vietnam (the North), promising $3.25 billion in reparations. However, when the prisoners, returned in Operation Homecoming arrived home, they revealed they had been brutally tortured. Their inhumane treatment outraged Congress which banned all reparations to Vietnam and later to Cambodia and Laos—despite the pleadings of the Administration. Embroiled in the Watergate scandal, President Nixon's influence did not carry the weight it might have done otherwise. And Congress did not know of the President's secret agreement with Pham Van Dong—not one penny of which has ever been paid.

The Paris Peace Accords talked of the release of all prisoners of war, not just the American prisoners who were being held by the Communists. As the 60-day release period ticked by, the Communists quickly suspected that their prisoners of war were not being returned—with good reason. The American and allied troops had long been cavalier with Viet Cong suspects. The government of South Vietnam were no more humanitarian.

Frank Snepps' book, Decent Interval, speaks eloquently of the fate of one North Vietnamese who had been a prisoner. Nguyen Van Tai, a former Deputy Minister of public security in the North, had come south in 1962 to take charge of resistance in Saigon. He was captured. He helped engineer the assault on the U.S. compound in 1968. He was captured in 1970 and held in solitary confinement, in a chilled, windowless white room, for over 4 years where a series of interrogators tried to break him.

However, in 1971, a year after his capture, attempts were made to exchange him for American prisoners being held by the Viet Cong. These attempts failed.

In 1973, when the release of prisoners was supposed to have taken place, he was not returned. He was held—in the same conditions—for another 2 years, until 1975, when the fall of the South seemed inevitable. Then, as the Communist troops massed at the gates of Saigon, he was loaded onto an aircraft and thrown out over the South China Sea.

I believe that some people have already told this Committee that the new Prime Minister of the Socialist Republic of Vietnam is not to be trusted. Because, as military director of the Viet Cong he was responsible for the execution of at least 3 American prisoners held by the Communists. Terrible though this was, this is no time for recrimination. Intelligence documents from 1973 confirm that the Vietnamese Communists made a deliberate policy decision not to return all their prisoners. The Laos also made it plain that they would use the same tactic as the Vietnamese, when it came to demanding reparations from the U.S.

There is also evidence that attempts were made by the U.S. Government to prevent the press and broadcast media from reporting that Americans were still held in Communist hands long after they were supposed to have been released.

There is a seamless carpet of evidence from 1973 up to the present day, that Americans are still being held in captivity, against their will, in Southeast Asia. Letters have been smuggled out. Photographs have emerged. Names, service numbers, aircraft identifiers, zip codes have been reported. Hundreds of refugees say that they have seen white and black men in captivity in Vietnam and Laos. Sometimes these people are identified, and, occasionally, it has been possible to track prisoners by name, as they are moved from camp to camp in Southeast Asia.

It has also been alleged that boat people and other refugees volunteer this information to ingratiate themselves to the American authorities. They know, from bitter experience, that any information on POW's gets them into trouble.

It has also been said that they do it for money. But rewards whose publications have elicited thousands of reports of live sightings have not been collected.

Often, refugees don't even realize the significance of what they have seen. They were told during the war that American pilots were bandits, criminals. They were not surprised to see such criminals still in captivity. Besides, people fleeing the Communist regimes of Vietnam, Laos, and Cambodia have other things to worry about than the fate of American servicemen.

The Vietnamese government, at low levels, have often talked of the prisoners they have held. High ranking defectors and long-term prisoners of the Vietnamese regime have been released at critical moments—like the change of an American administration—and tell of Americans still being held.

The evidence from all these sources tells the same story—that American prisoners are still being held in Southeast Asia. When I put this evidence before the Vietnamese authorities in Hanoi in 1989 and asked them for another explanation, they did not answer me. They simply told me that I was a friend of Vietnam. I hope I am a friend of America, too.

I have been asked to testify before this Committee because I am, quote, "strongly critical of the U.S. Government action to account for POW's and MIA's." That is not so.

My aim is simply to discover the truth of the matter, whether American servicemen are still being held in captivity in Southeast Asia or not. I think the agencies responsible for accounting for the MIA's have done a sterling job, given that the U.S. Government does not want to know the truth.

If the Defense Intelligence Agency proved that they were there, what could the American Government do about it? They could not pay the reparations that were promised to the Vietnamese in 1973 for the men's release, because Congress won't allow it; nor could they ask Congress to pay the money without having to admit that the guys were there in the first place.

The American people, seemingly, don't want to know the truth, either. More than 30 American publishers have told me that. The Vietnamese government can hardly be expected to own up after all this time. They have few enough friends as it is. They would be branded as barbarians, and shunned as an international pariah.

My job in writing the Bamboo Cage was to collect all the available evidence and evaluate it. The case is just overwhelming. I'm a writer, not a politician or a diplomat. I have written down the simple truth as I have found it. I have tried to present the evidence to the American people so that they could make up their own mind. That, I understood, was the American way.

There are Americans still alive in captivity in Southeast Asia. It is beyond doubt. What America does about it is up to you.

The CHAIRMAN. Thank you very much. I know Members will have a lot of questions.

Let me just pick up on your last statement. You say there are, beyond doubt, Americans being held in Southeast Asia. What is the strongest piece of evidence that you have of that?

Mr. CAWTHORNE. I think that if one looks at the evidence, piece by piece, one doesn't get anywhere. You don't see the wood for the trees.

If the question is the weight of the evidence that all testifies to the same thing——

The CHAIRMAN. But give me the weight of the evidence, or build this—you have spent years with it. It is in your head. You have written a book. Give me a quick picture. I mean, what is the sort of weight of the evidence that says that they are alive today, right now?

Mr. CAWTHORNE. Plainly, one can't testify that they haven't all been killed in the last 5 minutes. The question is that it's a seamless, carpet of evidence that comes from during the war and beyond. It just—there is no time—at no time does it stop.

The CHAIRMAN. I understand that. I understand what you are saying. I am just trying to help you make your own case. But I want you to make it. I mean give me sort of the pieces of the thread—this should just rattle out, I would think. I mean there is the evidence of who; there is the picture of this; there is the live-sighting—I mean, what is it that lets you draw that conclusion with that kind of conclusiveness?

Mr. CAWTHORNE. I think from reading and analyzing intelligence documents; from reading and analyzing the testimony of refugees; from speaking to former intelligence officers; from speaking to former congressmen who have seen evidence; and speaking to the Vietnamese——

The CHAIRMAN. Now, can you tell me any Vietnamese person who says they know somebody is alive today?

Mr. CAWTHORNE. I believe there are people who are named in my book, Senator.

The CHAIRMAN. Well, you believe there are, or there are? I mean can you direct me to them?

Senator REID. What was your question, Mr. Chairman?

The CHAIRMAN. What Vietnamese people—I am saying, what Vietnamese people today could say that there is somebody alive in Vietnam?

Mr. CAWTHORNE. Today?

The CHAIRMAN. Or last week, or last year.

Mr. CAWTHORNE. I'm sorry, it has been 2 years since I have written this book and it is difficult to remember. But certainly there are named people in my book who say there were, and there are people there.

The CHAIRMAN. Let me go back to the numbers issue.

How do you arrive at the judgment that more people were taken prisoner than we recorded or than we admitted.

Mr. CAWTHORNE. Simply from looking at your own records, I think that they are the most glaring discrepancy. There was an incident on the DMZ in 1967, I believe, when the Marine Corps reported that eight people were missing. But on that day, according to the Pentagon's records, there was only one person missing that day. A Vietnamese who was captured said there were 29 people captured that day.

The CHAIRMAN. Was that ever reconciled, do you know? I mean, having been out in battle, I can well remember what happened in a spot report, and then what you learned when the dust settled a couple of days later. I mean you realize that somebody you thought was missing and you reported missing turned up; or you realized that some people that got separated appeared.

I mean, was there any reconciliation effort with respect to those, or have you just taken the raw reporting of those days?

Mr. CAWTHORNE. No, no, these are records. One comes from the Marine Corp's evidence.

The CHAIRMAN. Let me just say, you're not the only person who has suggested that the numbers are off-kilter. And the Committee is not—I mean we're going to have to try to run that down. Because there are families that have also suggested the numbers are out of kilter. We're going to try to look at it. I am just trying to understand your determination and methodology.

Mr. CAWTHORNE. The Marine Corps reporting was from the Marine Corps history, which wasn't simply the first day's report. They had gone back to the battlefield and done an accounting there.

The CHAIRMAN. And did they subsequently report those people as, indeed, missing or captured, or what?

Mr. CAWTHORNE. They were listed in the Marine Corps history—it says they are missing from that day.

The CHAIRMAN. And that was never—you are saying, factored into the total numbers that were reported by the United States as a whole?

Mr. CAWTHORNE. That's right.

The CHAIRMAN. Now, have those discrepancies been cross-checked with DIA or with the appropriate services?

Mr. CAWTHORNE. No.

The CHAIRMAN. And you know that to a certainty?

Mr. CAWTHORNE. Well, I certainly haven't done that.

The CHAIRMAN. All right, you haven't done it. All right, now Ms. Stevenson, you talked about the lies. I would like to try to focus on that. I have read your book, and I am interested particularly in some conversations you have had with Mr. Childress and other things that took place.

But if you were going to say, Senator, here is the most glaring lie, the most obvious sort of example that you could tell the Committee in a short framework, and so we can really hang on to it and understand it, what would you pick?

Mrs. JENSEN-STEVENSON. Well, what I said in my statement, that there was no credible evidence, and I have no problems—I've had extensive conversations with General Tighe. I've had extensive conversations with people in the Pentagon who are working on this issue. I've had extensive conversations with people in the agency. I've had extensive conversations with people who are working for ISA or they were involved in a rescue effort. They all tell me that. I trust them. I believe they told me that without really compromising themselves.

But when they say it is so, I believe it—particularly when General Tighe says it. Because I found him always to be a man of the utmost integrity. There is nothing in his record that would lead me to believe that he lied.

The CHAIRMAN. When you say General Tighe said it, we have met with General Tighe. We have had a conversation. He is going to be here to talk to us publicly. But what is it you say he said? What is the conclusion you draw?

Mrs. JENSEN-STEVENSON. That there is an amazing amount of credible evidence. We also spoke to a good number of the people who were on his commission, including Gen. Robbie Reisner, who we have absolutely no doubt, based upon the intelligence, that they saw, that there is not only credible evidence, that there is proof-positive that men were alive when that commission looked at the material that was current intelligence.

The CHAIRMAN. Now, Ms. Stevenson, in order to help the Committee to try to make this the last inquiry we have to make—I recognize author's privileges, and they are different, obviously, from those of somebody testifying in court and so forth, in terms of source identification—can you identify sources, to the Committee, so the Committee can talk to people in confidence?

Mrs. JENSEN-STEVENSON. I have identified sources already, to the Senate Foreign Relations Committee, the minority investigation.

The CHAIRMAN. Well, this is a separate effort, completely. Can you identify them to the Senate Select Committee?

Mrs. JENSEN-STEVENSON. I can, in almost every instance, except for when I ask permission to identify people to that other Committee. And I would have to go back and ask if it is all right to give the same information to you.

The CHAIRMAN. Will you do that please?

Mrs. JENSEN-STEVENSON. Certainly, if you will let me know what you would like.

Senator GRASSLEY. Mr. Chairman, could I——

The CHAIRMAN. Let me just say, we have a Member of the Select Committee.

Senator GRASSLEY. I just want to help you on this point.

At one point, when this Committee was getting underway, you wanted to discuss with me about an attempt by her to call you, about sources. And that was why she was trying to call you at that particular time, to give you those sources. She wanted to be fully cooperative with this Committee.

Mrs. JENSEN-STEVENSON. But I also want to make sure that I'm not stepping on any toes. And I want to make sure that it is done in the right way.

The CHAIRMAN. I understand that.

Mrs. JENSEN-STEVENSON. So I will leave the procedure for it up to you. But certainly, I would be willing to turn over all sources.

The CHAIRMAN. I appreciate it, and, in fact, we did communicate. I talked to Ms. Stevenson. She was in Bangkok. In fact, we met when we went to Bangkok.

Mrs. JENSEN-STEVENSON. I would also like to point out that our book has the most incredible scrutiny by lawyers, by one of New York's top law firms. And everything had to be documented, and they checked with everybody.

The CHAIRMAN. Now, my last question—because my time is up, but—you have both said with certainty that people are alive. And this is the sort of Catch–22 circular argument, Hobson's Choice, whatever you want to call it, that we get into in this thing.

Vietnam is saying let us normalize, put your people into the country, go wherever you want. Now, assuming—and I have never made an argument for normalization until this is resolved. But let us assume, solely for the purposes of this argument, that one normalized tomorrow. And people were then streaming all over the country. The presumption is that if people were alive, and they were holding somebody, that would be the worst thing for them. I mean they are asking to have us come in and go everywhere. Because we are going to discover somebody.

Does that not mean that they are not going to allow that to happen? I mean, they are not going to——

Mrs. JENSEN-STEVENSON. Well, Senator, I think it is a lot more complicated than that. There are a couple of things to consider with this. I think it has always been historically possible for communists to hide prisoners. I think there are plenty of examples of the Soviets and the Vietnamese, et cetera.

But aside from prisoners, I mean the official position when my husband saw French prisoners in Vietnam, is that there were none. At one point they found——

The CHAIRMAN. Well, you have just answered the question. Your husband saw French prisoners. So when Americans go in there, presumably they would see American prisoners.

Mrs. JENSEN-STEVENSON. But they were passed off in the same way that the gentleman this morning explained that they were communists, that they were converted communists. And my husband knew that they were not, because they were really under duress. They had to check every minute, even to lift up their eyes.

The CHAIRMAN. I agree, but the point I make is that somebody saw them. If Americans start going into the country, the likelihood is somebody is going to see them.

Mrs. JENSEN-STEVENSON. Well, the other thing to keep very aware of is that the prisoners are moved back and forth, across the border areas of Laos and Cambodia, that is well known. I will answer your question now. I will answer the same question that you asked Mr. Cawthorne.

Why am I most certain? Because I have spent the last 2 years living in Southeast Asia. And I have no problems believing the people who have seen them. These are people who have not asked for any money. As a matter of fact, some of them are people who have renounced all material goods. They are incredibly moral, upstanding, decent people who proved that, as far as America goes, during the war.

The CHAIRMAN. Well are you talking about—who are you talking about?

Mrs. JENSEN-STEVENSON. I'm talking about Asians.

Senator MCCAIN. Which—can you give us those names?

Mrs. JENSEN-STEVENSON. I think you will know why I am not prepared to openly give you those names. If you can work out a way to protect our men, yes. We are not naive about this, are we? We know what would happen if I announced names right here.

The CHAIRMAN. But when you say——

Senator REID. I am sorry, you have me. I do not know what would happen.

Mrs. Jensen-Stevenson. You do not know what would happen to the men who are being held in a hostile situation, when our former enemies are saying they have no prisoners?

The Chairman. But you see, that is what gets us into the exact Catch-22 circular argument. Here we are, struggling to find them, here we are struggling to negotiate their release, or whatever. Let us say we found them. What you are suggesting is they are not going to let us find them because they are going to kill them. That is what you just said, correct?

So if they are not going to let us find them and they are going to kill them if we get a hint that they are holding them, what are they holding them for? For the inevitable day when we find them so that they can kill them?

Mrs. Jensen-Stevenson. Not if they get a hint that they are holding them.

The Chairman. What are they holding them for, then?

Mrs. Jensen-Stevenson. I don't know. I think there are people who say they are holding them to see what will happen in the future. And at the moment they are very uncertain.

The Chairman. But if they are never willing to use them as a negotiating tool, if they are not ever willing to come to anybody in 19 years and say give us $25 million, we give you these people. Eventually they are going to die, and it does not do them any good.

Mrs. Jensen-Stevenson. But I think they have tried to use them as a negotiating tool. And I think that if you bring Mr. Shinkel before this Committee, and you can assure him that the people will be protected, he will bring people who were direct witnesses to offers made by the Vietnamese.

The Chairman. Well, I am playing devil's advocate here and I am trying to press this issue because I want to lay on the table whatever the rationales are. One keeps grappling with it. And I am going to—as I have said to people—I am going to ask these questions on both sides of the fence here to try to get at it. But it just occurs to me that there is a struggle, still, to understand how you break through that. If they are going to get killed the moment somebody knows they are there, yet there is nobody that ever sort of negotiates for them; and then you go through this process where we are searching for them, and yet they are holding them, despite the fact that we are searching for them, and if we find them they may kill them, you get into a tortured kind of circularity here.

Mrs. Jensen-Stevenson. I think this Committee will be able to do that, and I think that you will get the appropriate response from people.

The Chairman. That we will be able to do what? Speak to those people?

Mrs. Jensen-Stevenson. I think you will be able to speak to witnesses, people who have had direct contact with prisoners as long as they have reassurance that it will be handled properly.

The Chairman. I can guarantee you that anybody who can give us true, first-hand information of a live-sighting, this Committee will guarantee their safety.

Mrs. Jensen-Stevenson. It is not me you have to reassure.

The Chairman. I understand that, but you will give us these names and lead us to these people? Is that accurate?

Mrs. JENSEN-STEVENSON. I am saying that in some instances you have to have people like Al Shinkel come before this Committee, because he is one of my links to these people. I don't have the influence with them that he would have.

The CHAIRMAN. Let me just say that we are well-beyond my time, and I apologize to my colleagues. But this is the last go-round, in a sense. And so I can assure you the Committee is going to bend over backward to examine these people, to examine their evidence, to talk to people, to keep confidences, but to find out what is going on here. Because it is critical that they be spoken to.

Mrs. JENSEN-STEVENSON. Can I just tell you one thing, and it will explain the situation that I am in.

Before I came here, I got a call. Before I left Thailand, I got a call from Mr. Shinkel who said can you tell me if I can trust the Committee, and if I can bring the witnesses who will listen to me to Washington? And they include, for example, the man the high-ranking Vietnamese who was there when the Vietnamese offered the Woodcock Commission 160 prisoners. He asked can I trust them? What do you think? And I said that the people I've been working with are certainly trustworthy. And I would advise that. But that's as far as I can go. I'm certainly willing to be helpful in that way.

Senator KASSEBAUM. Mr. Chairman, pardon me, but who is Mr. Shinkel?

The CHAIRMAN. Mr. Shinkel is an individual who lives in Thailand who has had a long involvement as one of those dedicated to trying to find live people in either Laos or Vietnam.

Mrs. JENSEN-STEVENSON. He's a retired Air Force intelligence man, and he has given testimony before congressional committees before—one very, very important bit of testimony that still is classified.

The CHAIRMAN. He came to see me when I was in Bangkok. And we agreed that the Committee will follow-up with him.

Senator MCCAIN. Mr. Chairman, I am not sure about the answer of the witness. Is she saying that she will give us the names that she has, or does it require the permission of Mr. Shinkel in order for us to get the names that you have?

The CHAIRMAN. Can you answer that?

Mrs. JENSEN-STEVENSON. In some instance, it would require his agreement, yes.

Senator MCCAIN. And why would that be?

The CHAIRMAN. I take it that is because he was a source, and you made an agreement with him.

Mrs. JENSEN-STEVENSON. That's right, because I'm not an intelligence person involved in this. I'm not an activist. I'm a reporter.

The CHAIRMAN. I understand, I think it's a question of the reporter-source relationship, and I respect that. And I think that is something we have to do. However, Mr. Shinkel has said to me that he is willing to cooperate, and the Committee will obviously seek to have his cooperation.

Senator Smith.

Senator SMITH. Ms. Stevenson, I just want to reiterate what Senator Kerry said, as one who has been involved in this issue myself for a number of years. As most people know, and most—if not all of the Members of this Committee—have been involved in one way or the other. There is so much information out there. I have heard a lot of it. I have talked with you, as you know, and I have talked with others. I think I have talked to everybody I know of who believed that they had information on this issue, including the DIA for a number of years.

But if we are going to get to the bottom of it, and as I said in my opening statement, I realize we have to earn that trust. But this is the last shot. I really believe that. And I think everybody on this Committee believes it. We are really trying to get to the truth. And we are not going to leave any stones unturned. And I understand protection of sources—believe me, I understand it. Although Senator Kerry can say—and I will say—that we will guarantee, of course there is always the human possibility that something may compromise that. I am certainly not going to tolerate it, or allow it, but within those parameters of human beings, sometimes not living up to agreements, I hope that we can.

Because if we cannot, we will never get to the bottom of this. In my opinion, there is so much information out there that conflicts, that the only way we are going to be able to look at it is for somebody to put it all together, and synthesize it, and weed out what is truth and what is not.

And I would just second the motion that has already been made here that wherever you can—under whatever parameters you need to provide to protect the people—to get those people to us if you can.

I wanted to specifically ask you about one source, and obviously I do not expect you to identify the source. And I do not know whether that individual was identified to Senator Grassley or anyone involved in the other report. But the one that was of interest to me, of great interest to me, was the source that you identified as Casino Man in your book.

He said—just quoting a couple of lines from this individual in your book—now, quoting Casino Man—he said "he knew what had occurred when Site 85 fell, that is the Lima site in Laos, 1968. He knew men had been betrayed. He knew men had survived. And he knew that some had been taken prisoner."

Then, in a later discussion with the same individual whom you identified as Casino Man, "I believe in the institution"—and this is quoting him again—"I believe in the institution of the CIA. I just think parts of it have gotten into the wrong hands. And I've got proof, proof this cover-up is not the work of any one administration. There has been a group of people who have controlled certain issues through four presidencies. And any big investigation into missing men would lead to its condemnation."

Without getting in to, I would like you to first of all, to say how much credence you put in that, that individual in terms of what he said—or she, whoever—Casino Man, I assume is a man—and second, would you—if you have not already—be willing to provide that source to the Committee?

Mrs. Jensen-Stevenson. I had his permission to provide some of the material he gave me to the other investigation. I have never felt very comfortable with him because he is just a sort of complete intelligence man. And I have trouble with people like that. And one problem is that I really don't know whether—when he gave me permission to give it to those people—I also have permission to give it to this Committee.

I would certainly be willing to try——

The CHAIRMAN. Let me say that two Members of those people are on this Committee. I hope we do not have a problem.

Mrs. JENSEN-STEVENSON. Well, is this something you can work out yourself?

Senator SMITH. If you have already given it, then there should not be a problem.

The CHAIRMAN. Is that a problem, Senator Helms?

Senator HELMS. It is no problem with me.

Senator SMITH. There are a lot of Members that want to ask questions. And I just have one more of Mr. Cawthorne.

A good deal of the information that you used in your book came from the series of volumes which were identified as uncorrelated information relating to missing Americans in Southeast Asia, allegedly published by DOD in what, 1978? December 15, 1978.

What is the status of those volumes now? Are they classified documents—to the best of your knowledge?

Mr. CAWTHORNE. I'm afraid I don't know.

Senator SMITH. Does anyone on the Committee know whether they are classified documents?

The CHAIRMAN. No.

Senator SMITH. Can you go into some detail about those documents as to what specific information in those documents was provided to you, and they are DOD documents. So if they are DOD documents, then you feel that at least the information that was gathered, you would have some reason to believe it might be accurate—at least the information that you're referring to as incriminating, as far as live Americans are concerned?

So could you comment on that in terms of its veracity?

Mr. CAWTHORNE. Well, the documents, themselves, say if the document refers to interrogation of a Vietnamese prisoner or defector, it has an assessment of what the interrogator thinks, or what the source man thinks at that time.

Senator SMITH. I am told that my staff is correct, that the documents are not classified.

Mr. CAWTHORNE. I'm relieved to hear that.

Senator SMITH. I guess you are not in trouble leaking classified documents.

Mr. Chairman, I will yield at this point.

The CHAIRMAN. Senator Brown.

Senator BROWN. Thank you, Mr. Chairman.

Monika, I must tell you how delighted I am that you have come. Your book, I think, has done more to bring this issue to the attention of the American people—and perhaps to Congress as well—than any, single effort that I am aware of. And I found your book an excellent book. I think there are an awful lot of Americans who deeply appreciate the endless hours and the time you put into it, as well as the personal sacrifice that I know it included.

I am told that you did not have an easy time getting this published. I wonder if you would share with us the problems you ran into as you sought to make the facts public.

Mrs. JENSEN-STEVENSON. Well, that is true. We started that project with a great deal of enthusiasm, with one of the largest publishers in the United States—in the world, as a matter of fact.

We got a very nice advance. They welcomed us with opened arms. I warned the publisher that we had had some problems at 60 Minutes, and that they could expect the same problems of pressure. I had gotten pressure when I worked for 60 Minutes not to do the story.

They went ahead anyway, and we worked on it for 3 years with complete enthusiasm. Then two things happened: one, letters were received from certain people in covert operations threatening a libel suit—on the surface it didn't look like a real threat, but our lawyers assured us that that is the only way it could be interpreted; and also, another book was published called Out of Control. A suit was initiated by General Secord and that book was taken off the stands. The author won that suit, but long after the book was destroyed.

Anyway, it was soon after these two things happened that our first publisher decided not to publish the book. We had a great deal of trouble. Well, we were not able to persuade them.

What was interesting was that in the last meeting we had with them, they were very, very adamant in asking us to identify our sources. The source that they wanted identified was Colonel Negro. And at that time, we had not identified him. He was assassinated soon after that. But they really kept pressing who that man was.

The other interesting thing was, you asked about Casino Man, Senator Smith. Right before they dropped the book, Casino Man came from half-way around the world, because they wanted to know who he was. He had requested a lawyer with a national security clearance. And he was willing to give them, everything—every bit of documentation that he had.

On the day he arrived they changed their minds. They did not want to see him. And then they dropped the book. Anyway, we were able to sell the book to a Canadian publisher, and we initiated a suit against the first American publisher on the basis of lack of fair dealings. The Canadian publisher then later sold it to Penguin, another American publisher, and it was sold to an English publisher as well.

But similar pressures were applied. It went through a very heavy legal period. And it did finally come out—thank God there are some publishers with courage.

Senator BROWN. Well, you have been through a great deal. But I think it is going to yield some dividends. We hope this hearing will be of some value in following-up—and it is following-up, I think, that may be the most important.

Now, you have mentioned a statement by the Committee that would be helpful. I want you to know that that statement is going to be offered as a motion in this Committee. We will go on record to welcome those people home. But I am wondering if you do not have other suggestions for us as to top priority things that we ought to bring and we ought to follow-up on.

Mrs. JENSEN-STEVENSON. Well, it is hard to do in the large sense. I mean I am willing to do that over a longer period of time. I think one of the crucial things—because so many people involved with this issue have been disappointed, have come forward with information, and have had—well, their entire lives compromised. I think this is particularly true of Asians who have testified, or who have been willing to come forward.

So they are now very reluctant. And I think that that statement will be important. But I think there must be other ways that you will have to show them that they really have your support, that you will stand behind them; that if they come here something won't happen so that they will be endangered, or their families are endangered.

I think most of them, what they really want is just a kind of public recognition that they are not liars; that they are not self-serving.

Senator BROWN. You mentioned the Woodcock Commission. As I read the summary of that commission, they concluded "there is no evidence to indicate any American POW's from the Indochina conflict remain alive, for the reasons of terrain, climate, circumstances of loss, and passage of time."

That, of course, was in 1977 before Bobby Garwood came out.

Mrs. JENSEN-STEVENSON. That's right. And again, I accept the word. This is really one of Mr. Shinkel's people—the one I mentioned who was a witness to a meeting where 160 men were offered. I have no reason to disbelieve that man. As far as I know, he has never asked for anything for that information. He is hurting himself by saying it—at least he would have hurt himself in the past.

Senator BROWN. Do you know of the American negotiators that were present when that offer was laid on the table?

Mrs. JENSEN-STEVENSON. No, but I think that is a question that you should ask this gentleman, and ask Mr. Shinkel.

Senator BROWN. Well, it is clearly an area we can follow-up and try to verify. We have the ability to call negotiators if they were there.

I have looked through a letter by Congressman Ben Gilman of New York that conveyed criticism of your books, challenging its veracity. I do not know if you have had a chance.

Mrs. JENSEN-STEVENSON. I have not seen that. I have heard of it. People here have mentioned it.

Senator BROWN. I would appreciate if—and I have looked through it myself—if you would be willing, when you have had a chance to review it, if you would advise us of any comments you would like to make with regard to it, to those observations.

Mrs. JENSEN-STEVENSON. I would.

Senator BROWN. The ones that I have looked at—frankly, the facts they cite seem to substantiate your book, rather than their criticism of it. But I think your observations of those characterizations would be helpful to us.

The CHAIRMAN. Thank you very much, Senator Brown.

Senator Reid.

Senator REID. A Man Called Intrepid was sure great. Tell your husband that.

Mrs. JENSEN-STEVENSON. Thank you.

Senator REID. Tell us about the threatening phone calls from the Government officials urging you not to do your story.

Mrs. JENSEN-STEVENSON. Well, it's in the book. And just roughly, it was when I was working for 60 Minutes.

Senator REID. Who were the officials?

Mrs. JENSEN-STEVENSON. The official was Col. Richard Childress.

Senator REID. You attribute your notes being stolen, that were in your briefcase, to government operators.

Mrs. JENSEN-STEVENSON. But I don't know that for a fact. A lot of strange things happened that had never happened to me before.

Senator REID. How many books did you sell?

Mrs. JENSEN-STEVENSON. I believe that it is close to 100,000 altogether, between the U.S., Canada, and England.

Senator REID. If American POW's are ignored by the U.S. because it would embarrass certain CIA officers or others, why would Laos or Cambodia or Vietnam not release them just to do that, just to embarrass the U.S.?

Mrs. JENSEN-STEVENSON. I think there are factions in those countries that wanted to do that. I think there is a conflict within them. My husband described that. It is in our book. When he was over there, he spoke to some hard-line people who made that quite clear.

Senator REID. You actually believe that as we speak here today, there are Americans who were in the military during the conflict in Southeast Asia who are alive today over there?

Mrs. JENSEN-STEVENSON. I think we ought to give it a chance. I agree with Mr. Cawthorne. I mean, I have no idea whether they were not killed off in the last 5 minutes, but I believe, since so many were alive at the end of the war, the chances are pretty good. We know from historical records that certain Soviets survived a longer time than that, so there is a good possibility, yes.

Senator REID. What is your estimate as to how many?

Mrs. JENSEN-STEVENSON. I really don't like to do that. I would think hundreds, but that is my personal opinion.

Senator REID. Senator Brown referred to the letter from Congressman Gilman.

Mrs. JENSEN-STEVENSON. I've not seen that, but——

Senator REID. Well, let me read to you from this letter, dated in January of this year. He says that he has received this book and it has been brought to his attention, and he relates here that Mr. George Brooks was advising bookstores in his area, his congressional district, that they should place it under the fiction department.

He goes on further to say, "The logic of the motive of this cover-up as outlined in your letter eludes me. As you recall, President Reagan never hesitated to blame his predecessor, President Carter, for any of the economic or diplomatic problems that befell our nation during his Presidency. It makes no sense to me in the one instance he would countenance a cover-up to protect the reputation of his predecessor.

"Likewise, I find it highly unlikely that President Carter, the man who granted amnesty to Americans who avoided the draft and was elected to the Presidency on a platform condemning the excesses of Vietnam and Watergate, would be overly eager to cover-up the role of Presidents Nixon and Ford in the war.

"Your contention that President Bush would be embarrassed by the truth belies all logic. If the President were able to return even one live missing American to his home prior to the 1992 elections, he would be hailed as a hero by all Americans and his reelection would be virtually assured. The idea that he would rather cover-up for Presidents Nixon, Ford, and Carter rather than do this flies in the face of common sense."

How would you respond to these three paragraphs?

Mrs. Jensen-Stevenson. Senator Reid, I hope that President Bush does just that, I hope one returns and I hope President Bush becomes a hero.

Senator Reid. But you see, you are not answering the question.

Mrs. Jensen-Stevenson. Well, I don't know what the question is.

Senator Reid. The question why would these various men who have been President of the United States, cover up for the other.

Mrs. Jensen-Stevenson. I think that is a very complicated question, but I think all of those men, all of those Presidents, were advised by bureaucrats who were working on the issue throughout, many of them.

And I can only tell you again why would the strong, personal opinion of a man like General Tighe be discounted. And why would even the Reagan administration, who made it a national priority, lie about his testimony. He testified before Congress about every 6 months on this, and yet when I did a 60 Minute show in which he said that on air, they issued a public statement saying that he had never talked about this, that he had indeed only mentioned it once in 1981. What I have tried to understand is why do we discount the testimony of the most qualified people on this issue.

Senator Reid. Mrs. Stevenson, hopefully this Committee will not discount any testimony. But this is the third day of testimony. We have been here now 3 days, and we have had a string of witnesses who have said, the latest being the Colonel this morning and this afternoon, who said if there were an American in Vietnam, we would know about it, and there are not any.

We are talking about almost 20 years, people being in effect hidden in Vietnam. Now, I would hope that you are right. I hope there are hundreds, 200 as you say, Americans alive over there. I hope that very much. But at this stage the facts that I have been presented belie that. The only information we have from you and Mr. Cawthorne is speculation.

Now we should follow the advice that we have been given and follow up every lead, and I hope we do that. But how—I mean, do you believe that there would be places in Vietnam where these people could be hidden for almost 20 years?

Mrs. Jensen-Stevenson. Well, I'll give you two examples. One, my husband was there during the Truce Commission. He is a Canadian, so he was there with the Canadian delegation to the Truce Commission after the French/Indo-China conflict. And there was a strong speculation that the Vietnamese were bringing arms in from the Chinese side. They were never able to prove that until about 5, 10 years later, when it was verified. I think it is very easy in a closed society like Vietnam to hide prisoners, arms, anything else.

The other thing I want to tell you is we have recently also met with the Vietnamese—not the official negotiators, but certainly high ranking. And I said, look, this Committee is going to go into session, and they are going to represent the American people and that's a lot different from the negotiators that you have been dealing with. Because the American people really want answers and the American people want to know, for example, what happened to the prisoners we know were alive, the ones our intelligence tells us were alive. What happened to Peter Cressman and what happened to Colonel Donahue?

Those are two examples I outlined for them. And he says, why are you bringing up these cases? The American Government has never brought these cases up with us, and we have done everything that the American Government has asked of us.

Senator Reid. My time has expired Mr. Chairman.

The Chairman. Thank you very much, Senator Reid.

Senator McCain.

Senator McCain. Thank you very much, Mr. Chairman. I thank the witnesses for appearing here today. Mr. Chairman, just let me preface my questions with the following remark. I said at the onset of this hearing that I assumed that Americans were alive, and I will continue to assume it until we have as full an accounting as possible. I have assured my friends Red McDaniel, Jack Bailey, and others who are in the audience, that I intend to ask tough questions. I think it is legitimate to ask tough questions of people who have beliefs on both sides of this issue. I hope that that is well understood, because without tough questions being asked, Mr. Chairman, I do not see how we are going to get to the bottom of this issue.

So I would like to repeat. I assume that there are Americans alive until we have as full an accounting as possible, which we do not have. At the same time, there is a lot of information that we have to wade through, and the only way we are going to get to the bottom of this issue is through asking very difficult and tough questions from people who come down on both sides of the issue.

Having said that, Mrs. Jensen-Stevenson, in your book you state, and I quote: "Most astounding, some prisoners were actually hidden in the main prison compounds in Hanoi. One such man, Air Force Col. Norman Gaddis, who was shot down on May 12, 1967, did appear on the 1973 list of returnees unexpectedly. He had never been accounted for by the Vietnamese, yet for almost 4½ years he was kept in a section of the prison known as Heartbreak Hotel. In all that time, no other American prisoner had seen him. If he had not finally been spotted by other prisoners after the Vietnamese moved POW's and consolidated them in several key locations because of the attempted Son Tay raid to rescue prisoners on November 21, Gaddis would probably have ended up an MIA."

Mrs. Jensen, I speak from personal experience. That is totally false. We knew that Colonel Gaddis was in prison. We were in communications with him, he appeared at a Christmas church service in 1969, which was filmed by the Vietnamese. I would like to know, since I know that that statement is false from my own personal experience, I wondered where you had acquired such information?

Mrs. Jensen-Stevenson. Well at the time I got that from other people who were in your situation.

Senator McCain. Who?

Mrs. Jensen-Stevenson. Well, I can't give you that right here and now, but it was by talking to other people.

Senator McCain. I would hope you would supply that for the record because it is just not true.

[The material referred to may be found on pps. 2–4 of the appendix.]

Mrs. Jensen-Stevenson. Well, I have heard the contradiction to that, and I accept the possibility. But at the moment I don't know which side is right.

Senator McCain. Well, if you do not want to take my word for it, that is fine.

Mrs. Jensen-Stevenson. I didn't say that, Senator.

Senator McCain. OK. Thank you.

Mr. Cawthorne, you state in your statement: "During the war the National Security Agency made analysis of what happened to pilots who were shot down. They noticed that most of the airmen down near the main prison camps around Hanoi and Haiphong were taken there if they did not have to pass any installation of strategic importance on the way."

Now, Mr. Cawthorne, in the early years of the war, 1965 and 1966, the Americans did not bomb the northern parts of Vietnam, Hanoi and Haiphong. Most of the prisoners who were in Hanoi in the Wallo prison that were captured during the early years of the war, in fact virtually all of them, were shot down in the southern part of the country—Bin, in that area. Now, they were all taken north to Hanoi.

How does that jibe with your statement—some of them, it took as long as a week to 2 weeks to get there. Is it your allegation that they did not have to pass any "any installation of strategic importance on the way"?

Mr. Cawthorne. I also mentioned in the book that the analysts didn't begin to analyze the shoot-downs until after 1970.

Senator McCain. So they did not analyze those that were shot down in 1965 and 1966?

Mr. Cawthorne. No.

Senator McCain. Well, frankly, that does not make any sense, Mr. Cawthorne. I mean, people were shot down and captured during the first couple of years, most of them in the south. They were taken north usually by truck, and obviously, they would have had to have passed by installations of strategic importance since, as you know, it is a relatively narrow country with very few main arteries of transportation.

Mrs. Jensen-Stevenson, I would like to bring up an issue which I think is important because in your book you cite a U.S. Army Major, Mark Smith—I will preface my remarks by saying I do not know nor have I ever met Major Smith although I have heard about him—and he is mentioned throughout your book as one of your key sources.

Now, I think that if you use a source as extensively as you used Major Smith, obviously, you like to look into the background because any journalist, and I'm sure you're an outstanding professional journalist likes to look at the veracity of that witness.

Now, the facts are that a hearing was held in 1986 by the Senate Veterans Affairs Committee. They invited Mr. Smith and his colleagues to present their evidence. Mr. Smith failed to honor his commitment until a month later when he had to be issued a subpoena, and then the hearing was reported in the press and is a matter of official record in the Senate.

The view of those Senators who were on that Committee was that his evidence proved not true. In fact, according to some witnesses Major Smith invited one of the Senators to the parking lot, because there was some disagreement.

Mr. Smith said that the White House also had shown an interest in the tape. According to Mr. Smith, officials under the direction of Vice President George Bush told him to offer Mr. Gregson $4.2 million deposited in the Bank of America in Singapore for the tape. Those are false statements said a spokesman for the Vice President. The Vice President did not authorize Mr. Smith or Mr. McIntyre or any other party to pay any money for their reported evidence.

I guess my question to you is, did you have any qualms about quoting him so extensively, given the clear questioning of his veracity by a Senate Committee—not this one?

Mrs. JENSEN-STEVENSON. I'm not sure what that last statement you read from having to do with the Gregson case has to do with——

Senator MCCAIN. It has a great deal to do with his veracity.

Mrs. JENSEN-STEVENSON. —with my book because that's in our book.

Senator MCCAIN. No, but it has something to do with his veracity, which is the reason why I quoted it. The Vice President of the United States—now President of the United States, disagreed with him.

Mrs. JENSEN-STEVENSON. Right. And all I can say is that I did look extensively at Mark Smith's record—so did my husband—especially as related to the charges that were brought against him. And there was a file this thick (indicating 2 inches) which clears him. We looked at all of that.

What happened in that instance were false charges were brought against him. It makes me believe that something was not handled properly in the later questioning. Now, Mr. Smith says in that particular instance that you bring up, which we did not deal with in our book—I do know about it—that the reason he did not show up for that particular Committee meeting was because the Committee did not honor its promise to keep the name of the witness he was bringing out of the public. The morning that he arrived, he saw Robin Gregson's name in the newspapers, and that is why he did not show up.

That is what I was talking about earlier when I said that a lot of people who have information about this are afraid to come before this Committee, because things like that happened in the past. There has to be an absolute guarantee when there is a guarantee. People cannot be compromised in that way because quite often their lives are at stake.

I believe that Senator Simpson apologized to Mark Smith. That is on the record in Mark Waple's files—he was a witness to that, and you can call Mr. Waple and ask him about it. He himself said that he thought he had goaded Mr. Smith beyond endurance.

Senator McCain. Thank you very much. I see that my time is expired. I will be glad to wait until the next round.

May I make just one comment, Mr. Chairman, about General Tighe.

In your book, Mrs. Jensen-Stevenson, you say: "General Tighe told me flatly that he had seen the best possible evidence of Americans still alive before speaking out. He was publicly humiliated."

I have known General Tighe for many years. I have seen him testify before this Committee. I have seen his remarks widely publicized throughout the country. I know no one who sought, nor did, publicly humiliate General Tighe. He is held in the highest regard by all of us, and I do not think that statement is accurate.

But I also think that it is very important that General Tighe has said consistently that he has seen no hard evidence, but the weight of all of the cases that he saw convinced him of that. And I think that it is very important that the record be clear that General Tighe, who will be able to elaborate before this Committee, stated that to this Committee and to me, or to the Foreign Affairs Committee when I was on there, and to me personally on several occasions. To my knowledge he has not changed that opinion.

I do respect his view. I know that the Members of this Committee respect his views, otherwise we would not have him before the Committee, and I know of no one who tried to humiliate him.

Mrs. Jensen-Stevenson. Senator, I don't know if you've read the portion of the book where we talk specifically about the humiliation. I guess it is a matter of opinion whether that was public humiliation or not. In my husband's and my view it was, and in a lot of people's view it was.

Senator McCain. It is not in General Tighe's, ma'am.

Mrs. Jensen-Stevenson. Well, I will also tell you that if you read the Bar Association Intelligence Newsletter, which is edited by Admiral Mott, where he reviewed our book, he called General Tighe and had a conversation with him about our book, and General Tighe—that is public I think—backed our book and said he had no quarrel with it, and repeated the statements that he had made to me—again, openly—on the 60 Minutes program.

Senator McCain. I was not commenting on whether he agreed or disagreed with your book, Mrs. Jensen-Stevenson.

You were saying he was publicly humiliated, and I do not believe that is correct, nor does he believe that is the case. And I thank you.

Thank you, Mr. Chairman.

Mrs. Jensen-Stevenson. But you read from the beginning of the book, where you're talking about credible evidence, that he has only talked about the weight of evidence. He has said, and we have records of it, that there very definitely is credible evidence. And on 60 Minutes as more than credible; he described it as a miracle.

The Chairman. You have to leave, so do you want to take a minute?

Senator Smith. I appreciate the chairman's indulgence. I just want to say in response to two things that Senator McCain said, I, too, hold General Tighe in the greatest regard—highest regard—and I think all Members of the Committee do.

However, having personally reviewed the Tighe Report in its unedited version, I can tell you that there are people within the agency who did not hold him in the highest regard. I want to state for the record that that information—because I read it, and I cannot comment on it now because it still is a classified document, about the content of it, but it certainly was not a complimentary introduction to the Tighe Report written by an individual from the Defense Intelligence Agency. I will stand on that point.

The second point I feel—with all due respect to Senator McCain—I can only comment on what I know about this and I am not going to comment beyond that. As far as Mark Smith is concerned I was as frustrated as anybody else that the information that he thought that he would bring—we thought he would bring forth regarding that videotape—did not come forth. I was not a Member of the Murkowski Committee and therefore had no input into that all, so I do not know the facts there.

But I do know for a fact that—and I am not going to go beyond saying this—that people in the very highest levels of Government were very interested in that tape, and that I was personally involved in the negotiations for that tape myself. I will state for the Committee in executive session if they like, as to who those high level people were. But I cannot comment beyond that, other than to say that everything that Senator McCain said regarding that $4 million was not exactly accurate.

The CHAIRMAN. First of all, Mrs. Stevenson, let me just answer your concern. I want the Committee on record and I want anybody who is thinking about coming forward to understand that this Committee is determined to keep whatever agreements it reaches with people with respect to protection of their identity or whatever, within one limit. And the limit is—and it will only be in agreement with the person—that if it is necessary in terms of public knowledge, this is not something that can go on or be kept behind closed doors forever.

Because the Committee's purpose is to shed light on this and we are insisting on shedding light. With the Pentagon opening up, it will be totally contradictory for us to shut down.

But on the other hand, if the opening up is enhanced by keeping one individual protected for some reason, clearly the Committee is prepared to do that. And we will have to defend ourselves by the information—the quality of the information we put out and the quality of the judgments we make as to whether or not we were justified in doing that. And the proof in that will not be until the end of this process.

The second point I want to make is that for those who are measuring the tone or approach of questioning here and trying to draw conclusions about somebody's view, I want to reiterate what Senator McCain said. If somebody comes in front of this Committee and says to us with a certainty, Senator, they are all dead and I know it, we are going to put that to the same test as somebody who comes here and says I know there are people alive. That is, by nature, adversarial to a certain degree, though I am determined to keep it from being adversarial in a way that suggests to anybody they are better off not coming forward. We do not want this Committee to wind up doing that.

Finally, I will say to you that it will be unusual for us to be in this kind of a predicament because we knew what we were doing when we set out these first 3 days as establishing the parameters. We recognize that a lot of this work will be through deposition and interview, and a certain amount of investigative background work that will—just like putting together any case. Before you go to court with your case, you do your preparation and a lot of that is going to be done.

So I respect your willingness to put your evidence and theories to test, and that is what is happening here.

Who is next? Senator Kassebaum. Am I correct on that? Yes.

Senator **KASSEBAUM**. Thank you Mr. Chairman.

Just briefly I would like to say, Mrs. Stevenson and Mr. Cawthorne, that I was invited to sit on this Committee by Senator Dole. We were selected by the majority and the minority leaders. It was with great reluctance that I agreed to serve on this Committee because I do not have a background in understanding much that has gone on. I have tried to read a great deal; I have tried to understand. I think you can understand how perhaps someone coming fresh to this would be quite perplexed by some of the testimony back and forth over the last several days.

I think the hardest thing for me to understand is to hear from both of you who have spent a great deal of time and involvement in, and a great deal of research, Mrs. Stevenson, on your part, to say that you both believe strongly that there are still alive Americans there, and that this is being covered up by our Government.

Now, I am not debating the point of whether they are or are not there, but what I am trying hard to understand is what is the motivation for this.

Mrs. **JENSEN-STEVENSON**. I can only tell you that I have had the same difficulties for a long time and still do to a degree because they are so hard to understand. I think a lot of it has to do simply with what happens when you have a job and you have made a mistake. I think a big mistake was made at the end of the war. I think that mistake was compounded, perhaps with a lot of people not deliberately, but once those men were abandoned and people knew about it, ever bit of evidence that seemed to come in was discredited in some ways.

I spoke to one of the children of a missing man just before, and he has a letter which I think is now blown up and being shown around, which talks about fingerprints on his father's case. He has never been able to get those fingerprints. They are now missing.

I mean, when you look at this subject, you find a long history of mistakes like that. And then when you begin to realize the intelligence of the people and their background, it's just very hard to believe that it is only incompetence that has created this long record of mistakes.

Mr. **CAWTHORNE**. I think it's quite easy to understand that politicians don't draw attention to problems they can't solve. And it seems to me this problem is an intractable problem, and you don't shout about it.

Senator **KASSEBAUM**. I do not really agree with that. I mean it is easy to shout frequently about things you do not understand. I think it is really something that is hard to understand. I can understand that mistakes may have been made as the peace treaty was put into place and as they were trying to bring people home quickly. What I find hard to understand is that still at this juncture there would be people held there against their will.

Mrs. JENSEN-STEVENSON. But we cannot really look at that unless we look at the history. If men were abandoned then there is a good chance that men are still alive. In order to do that we really have to look at the intelligence.

I think it is paramount that this Committee seriously look at the Peter Cressman case. Now here is a man who was shot down and captured after the Peace Accords were signed. That is something pretty heavy to hide. That is something that I think one can easily understand why. And as a matter of fact, I have talked to people in the Pentagon who have told me about that case, who have told me that they were terribly upset about it. It was a very, very important emotional upset for them. So much so that they put it on paper, and that was classified.

Now, I think it's important that this Committee get a hold of that protest by Peter Cressman's own colleagues, or at least people who cared about him, who were in the service.

Senator KASSEBAUM. In your book, Kiss the Boys Goodbye, in speaking of intelligence, you say the intelligence on the prisoners has been officially collected, so much so that today, and this when you are writing more than 14 years after the U.S. evacuation of Saigon, all Vietnam is laced with grapevines of human intelligence on prison camps and on who is in them and who runs them. Is this U.S. intelligence that you are referring to?

Mrs. JENSEN-STEVENSON. In the first place, there is a basis for those prisons. Under the old system, it's the old French system and they use that same system for Americans.

Senator KASSEBAUM. But when you were speaking of an intelligence network, you were speaking of their intelligence or our intelligence?

Mrs. JENSEN-STEVENSON. I'm talking about our intelligence, the intelligence that we have on American troop prisoners.

Senator KASSEBAUM. Right, but is it a network composed of Vietnamese, or of our own——

Mrs. JENSEN-STEVENSON. It is a network of Asians, largely, who are working for American, either on an ad hoc basis, maybe they formerly worked full time and now they work on a free-lance basis.

Senator KASSEBAUM. Is this information that has been available to you as you have been working over there?

Mrs. JENSEN-STEVENSON. This is information that as we researched it we came across it. It has been available since the end of the war and a lot of it came about because people—our former allies—were in prisoner with other Americans. I mean the best example of that is the Vietnamese general who was in prison with Bobby Garwood and who reported on that to President Reagan.

Senator KASSEBAUM. So this intelligence network, that still is ongoing there, I would guess——

Mrs. JENSEN-STEVENSON. Yes it is, and I think it's also important for this Committee to get hold of Bobby Garwood's official debriefing. You could learn a lot from those papers.

The CHAIRMAN. We have requested that, and I have been told we will get it.

Mrs. JENSEN-STEVENSON. At the same time, perhaps you should get the unofficial debriefing that General Tighe did with Bobby Garwood which is, professionally I believe, just as good.

Senator KASSEBAUM. Just a last question. Do you feel that there is a distinction to be made between those that you believe may still be in Vietnam and in Laos?

Mrs. JENSEN-STEVENSON. I do think there is a distinction. I think there is much more evidence today about prisoners in Laos than there is in Vietnam, and I think that has been probably done quite deliberately because a lot of them are in the border areas so they could easily have been moved back and forth.

I think that's an example. Some of your colleagues, some other Senators who went to Vietnam in 1986, were told that there might be prisoners. They wouldn't be under the control of the Vietnamese but the Vietnamese would help us to look for them. I think that's a very good example of what's happened. They've been moved, and some of them are perhaps totally not under Vietnamese control. But most of the evidence indicates that there is some Vietnamese control in the areas where they're being held.

Senator KASSEBAUM. Thank you.

The CHAIRMAN. Thank you, Senator Kassebaum.

Senator Grassley.

Senator GRASSLEY. Monika, have you sensed any real problems with the distribution and sales of your books that might indicate some outside interference?

Mrs. JENSEN-STEVENSON. Well, I can only say that strange things have happened. I don't know if its a matter of incompetence or whether there has been interference, since there has been some interference sometimes. I think that's true, too. I don't want to think that, so I steer away from it. When we were doing the promotion for the book last year, it was not in any of the major cities where we were. People who wanted to buy the book had to wait, sometimes months, to get it. They were persistent enough to have really turned the book into a success. It's that kind of thing.

Before the book came out in the United States, we were pressured, very much pressured—under the threat of no publication—to settle our suit with the first publisher. But I think it could logically happen in the business. I have no proof that there was any direct pressure.

Senator GRASSLEY. When did the Vietnamese offer prisoners to us and what were the circumstances? You briefly describe some such offer involving the Woodcock Commission. I would like to have you elaborate on that offer and on any others you might have, and most importantly, describe how you know it?

Mrs. JENSEN-STEVENSON. This is something I know through someone through Al Shinkel, and I believe Mr. Shinkel and I think the man's record really stands for itself. He was present. He was a Vietnamese official who was present when an offer made for 160 men in exchange for money. I don't know if you were here when I said that one of the last things Mr. Shinkel said to me before I left Thailand was that could he bring this man and other people to this

Committee if he could have a guarantee that they would be protected, because they were willing to speak before the Committee.

And as I said, I mentioned that I had been working with the Senate Foreign Relations Committee minority investigation, and I certainly felt that they could work with the people here.

Mr. CAWTHORNE. The Wall Street Journal, sir, reported an offer in 1981.

Mrs. JENSEN-STEVENSON. That's right. That's another offer.

Senator BROWN. Would the Senator yield on that?

Senator GRASSLEY. Yes, I will yield.

Senator BROWN. I was hoping you might follow up to find out who that offer was made to.

Mr. CAWTHORNE. According to the story in the Wall Street Journal it was discussed in the Oval Office by President Reagan and the Cabinet.

Senator GRASSLEY. Monika, have you——

The CHAIRMAN. Let me just interrupt again and pin that down. Is it according to the Wall Street Journal that it was discussed by the President and the Cabinet, or other sources?

Mr. CAWTHORNE. By the Wall Street Journal.

The CHAIRMAN. The Wall Street Journal story suggested that?

Mr. CAWTHORNE. Yes.

The CHAIRMAN. What was the date of that story?

Mr. CAWTHORNE. It's in here. I could dig it out for you if you like.

The CHAIRMAN. Is it cited in the book?

Mr. CAWTHORNE. Yes.

Mrs. JENSEN-STEVENSON. But that's another example of where one of the witnesses got into a lot of trouble with certain government agencies and I think the person who could explain that to you the best is Mr. Ross Perot.

The CHAIRMAN. We have spoken to Mr. Perot and will further.

Senator GRASSLEY. Monika, have you talked to U.S. officials who claim to have seen U.S. POW's or anyone else who has seen POW's since 1973?

Mrs. JENSEN-STEVENSON. I have and I mentioned that in my opening statement. You weren't here to hear that.

Senator GRASSLEY. My point is, would you be willing to put them in touch with this Committee?

Mrs. JENSEN-STEVENSON. I would certainly be willing to try, yes.

Senator GRASSLEY. Mr. Cawthorne, would you also be in a position like Monika, to assess for access to some of your sources who have firsthand knowledge on this subject and let us know about them?

Mr. CAWTHORNE. Certainly, yep.

Senator GRASSLEY. Mr. Chairman, I have no further questions.

The CHAIRMAN. Thank you very much, Senator Grassley.

Second round. Senator McCain, do you have further questions?

Senator MCCAIN. Just briefly I would like to pursue this matter of the negotiations a little further. Please, Mrs. Jensen-Stevenson, do you know at what time frame these negotiations took place?

Mrs. JENSEN-STEVENSON. I'm sorry, which negotiations?

Senator MCCAIN. The negotiations you referred to for 160 POW's. Do you know at what time frame that took place?

Mrs. JENSEN-STEVENSON. During the time of the Woodcock Commission was in Vietnam.

Senator McCAIN. Do you know when that was?

Mrs. JENSEN-STEVENSON. You probably have more precise dates than I do. I don't have my documentation in front of me.

Senator McCAIN. Your testimony is that there was an offer made for 160 live POW's?

Mrs. JENSEN-STEVENSON. My testimony is that is a source for that, a Vietnamese who was an official present there who was well know to Mr. Shinkel. According to Mr. Shinkel, one of the last things he said to me was that if he felt assured that this Committee would treat this witness properly, that he would be willing to come here to testify.

Senator McCAIN. Then it is my understanding your testimony is that Mr. Shinkel has information on an individual who states that there was——

Mrs. JENSEN-STEVENSON. My testimony is that I know this witness through Mr. Shinkel, and I have respect for both people.

Senator McCAIN. In other words, it is not just Mr. Shinkel, you have also had contact with this individual?

Mrs. JENSEN-STEVENSON. I can only go according to my journalistic judgment, perhaps I can be proven wrong, but I believe, yes, I believe him.

Senator McCAIN. Now this individual was a high-ranking Vietnamese official?

Mrs. JENSEN-STEVENSON. Well you know when you get into high-ranking.

Senator McCAIN. I would think you would have to be fairly high-ranking to be there.

Mrs. JENSEN-STEVENSON. He was high-ranking enough to be present.

Senator McCAIN. I would think you would have to be fairly high ranking in order to make an offer.

Mrs. JENSEN-STEVENSON. I didn't say he made the offer. I said he was present when the offer was made.

Senator McCAIN. And who made the offer?

Mrs. JENSEN-STEVENSON. The Vietnamese.

Senator McCAIN. Which Vietnamese?

Mrs. JENSEN-STEVENSON. I don't know that.

Senator McCAIN. You do not know?

Mrs. JENSEN-STEVENSON. No I don't know.

Senator McCAIN. And you do not know who the offer was made to?

Mrs. JENSEN-STEVENSON. I know that it was made to whoever was officially there to receive such an offer.

Senator McCAIN. Do you have any idea who that was?

Mrs. JENSEN-STEVENSON. Specifically names?

Senator McCAIN. Yes.

Mrs. JENSEN-STEVENSON. Well, if I can look back at my papers on the Woodcock Commission I could give it to you. I don't have them here.

Senator McCAIN. These were Americans this offer was made to?

Mrs. JENSEN-STEVENSON. There were Americans on the Woodcock Commission, that's right.

Senator McCain. And the offer was made to the Americans on the Woodcock Commission?

Mrs. Jensen-Stevenson. That's right.

Senator McCain. So we could contact the Americans on the Woodcock Commission as well and ask them?

Mrs. Jensen-Stevenson. I would hope that you would do that, and I would hope that you speak with Mr. Woodcock. I have spent quite a bit of time talking to him.

Senator McCain. Mr. Woodcock corroborates that?

Mrs. Jensen-Stevenson. No, he does not, but I think you will find it interesting talking to him.

Senator McCain. Well, as a matter of fact I have talked to him several times in the past, and I find him to be a very outstanding man who served him country very well including, I believe, as our first Ambassador to China, as well as a very respected leader in the labor movement.

Mrs. Jensen-Stevenson. So he would be a very good witness for you to bring in.

Senator McCain. But he has no knowledge or denies that that happened?

Mrs. Jensen-Stevenson. Or as he puts it, he doesn't know.

Senator McCain. I see. But I just wanted to get it straight for the records. It is your direct information from talking with this former Vietnamese official that a meeting took place sometime during the Woodcock Commission where an offer was made for 160 live Americans in return for an undisclosed amount of money; is that correct?

Mrs. Jensen-Stevenson. An offer was made for the men, yes. I don't know that much about the money part.

Senator McCain. But it was financial?

Mrs. Jensen-Stevenson. Yes.

Senator McCain. Thank you very much, Mr. Chairman. I thank the witnesses.

The Chairman. Thank you, Senator.

Mrs. Stevenson, I know it is in your book, but I want you to relate it anyway to the Committee. First of all, how long were you at 60 Minutes?

Mrs. Jensen-Stevenson. Just short of 6 years.

The Chairman. And when you were with 60 Minutes you were a regular?

Mrs. Jensen-Stevenson. I was a staff producer, that is, I was working for CBS. I had just renewed another 6-year contract.

The Chairman. And you were a producer of the regular Sunday night shows?

Mrs. Jensen-Stevenson. Yes, I was. I was not a freelancer. I did not come in just to do one story. I worked for 60 Minutes.

The Chairman. You worked for it?

Mrs. Jensen-Stevenson. It is considered one of the best jobs in the business.

The Chairman. Correct. And you have under your belt the production of a significant number of segments that 60 Minutes has aired; is that not correct?

Mrs. Jensen-Stevenson. I do. And I have an Emmy, and I also have a gold medal for best documentary at the International Film Festival in New York.

The Chairman. Now, at some time, you began this story as a regular 60 Minutes project with enthusiasm and excitement, I take it?

Mrs. Jensen-Stevenson. I did. I have to admit I am somewhat ashamed of my views at the time, because I had no question, for example, that Garwood was a traitor. That is how I thought of him. I initially really wanted to look at that.

The Chairman. So you began really where a lot of Americans begin with this, which is sort of doubting and questioning?

Mrs. Jensen-Stevenson. I did. I thought that Garwood was really making up the prisoner issue. I had been aware of the Bo Gritz things and I thought they were hoaxes; I really did believe that. I mean, I leaned in that direction. I wanted to be objective, and I think ultimately I became objective.

The Chairman. In the course of your investigation you began to experience, did you not, things that were different from anything you have experienced in any story you have done?

Mrs. Jensen-Stevenson. That is true. I did not think I was naive, but I really believed that no agency of the Government would try to interfere with a program like 60 Minutes.

The Chairman. Now, was the interference because they felt, and maybe you cannot even answer this, was it because you sensed that they just did not agree with what you were saying, or you were going off on a slant that was wild, or was it because you were doing this at all or getting into this? Can you even tell the difference?

Mrs. Jensen-Stevenson. They just did not want the program done. The reasons initially were that all of the people, and Colonel Childress seemed to know who I had spoken to, that all of the people I had dealt with were crazy, gold smugglers, senile, et cetera, et cetera.

When he saw that I persisted, he then verified that there were prisoners, at least in his mind.

The Chairman. Now, I want you to describe the conversation that you had with Colonel Childress. This is a conversation you personally had, is that right?

Mrs. Jensen-Stevenson. This is a conversation that I personally had. It was, however, witnessed by other people in my office.

The Chairman. Was this the telephone conversation with Colonel Childress?

Mrs. Jensen-Stevenson. Yes, it is.

The Chairman. Why do not you describe to the Committee what happened.

Mrs. Jensen-Stevenson. Well, when I did not respond properly by agreeing to not go ahead with the program he tried another tack, and that was to tell me that if I persisted in doing the story I could endanger the lives of prisoners who were still over there.

The Chairman. That is what he said to you on the telephone?

Mrs. Jensen-Stevenson. That is what he said to me on the telephone.

The Chairman. There is no question in your mind whatsoever?

Mrs. Jensen-Stevenson. There is no question in my mind whatsoever.

The Chairman. What did you say to him?

Mrs. Jensen-Stevenson. I was flabbergasted that he would try, and I already at that time had a great deal of respect for people I had dealt with, like General Tighe, like Red McDaniel. I invited him to come on the program and say publicly what he had said on the phone. He said he could not do that, but that I should get someone else, like Secretary Richard Armitage. I said, but we have tried to get the Secretary and he has not responded. He said, he will now. And that was right. The next time we tried Armitage he did respond.

The CHAIRMAN. Now, did your conversation end abruptly?

Mrs. JENSEN-STEVENSON. I do not know what you mean by abruptly. It did not end on the friendliest of notes, and neither did the second conversation.

The CHAIRMAN. What was the second conversation?

Mrs. JENSEN-STEVENSON. We did an interview with Congressman Solarz after that. And Congressman Solarz made some remark about how he did not want to be sandbagged. I said we were not going to sandbag him, but, as a matter of fact, I did know from a very good source in the administration who would be the person to know that there were prisoners alive and that it was known to the U.S. Government.

He tried to grill me on that, and I said, well, I could not say, even though I had not agreed with Colonel Childress that I would keep him anonymous. At that point, professionally I thought I would do that. I said I could not tell him, but I could tell him that it was a very solid, high-ranking source that had told me that.

On the following working day I got a call from Colonel Childress demanding how I could tell Congressman Solarz about our conversation, and that in fact he had never said that at all and I had misunderstood.

The CHAIRMAN. Now, did you subsequently have a conversation with Richard Armitage?

Mrs. JENSEN-STEVENSON. We did an interview with Mr. Armitage, and I am sorry I cannot remember his public relations director at the time, but the pre-questions were done through his P.R. person.

The CHAIRMAN. Did you learn any more in the course of that interview?

Mrs. JENSEN-STEVENSON. Did I learn any more about the prisoner issue?

The CHAIRMAN. Yes.

Mrs. JENSEN-STEVENSON. Well, I learned that his office and he considered there was no credible evidence, that there was none.

The CHAIRMAN. That is what they said?

Mrs. JENSEN-STEVENSON. That is right. And I referred to General Tighe several times because I had come across his testimony in the Congressional Record. It was done in a subtle way, but the attitude toward General Tighe was certainly disparaging.

The CHAIRMAN. Now, again, from a devil's advocate perspective, is it possible that when Colonel Childress said that to you, "well, if you persist in doing this you are jeopardizing a lot of Americans," that he was speaking conjecturally, that he was saying it in the context that if there were people alive and you went ahead and did this, that this would hurt, but not that he was affirmatively saying—I mean is there any interpretive room there?

Mrs. **Jensen-Stevenson**. There was never any doubt in my mind, but this could always be a possibility.

The **Chairman**. The possibility of what?

Mrs. **Jensen-Stevenson**. That that is what he was doing. I mean, you would have to ask him.

The **Chairman**. OK. But you took it as an absolute, outright statement?

Mrs. **Jensen-Stevenson**. I certainly did. And I believe he made similar telephone calls to other people, like Red McDaniel, where he indicated the same thing.

The **Chairman**. In which he indicated similarly that this makes it more difficult to bring people who were alive?

Mrs. **Jensen-Stevenson**. That is right. There is an affidavit in the Smith-McIntyre lawsuit about that other call with Captain McDaniel.

The **Chairman**. Does any other Member have any further questions of this panel?

Senator Brown.

Senator **Brown**. In your book on page 233, you quote Danny Sheehan by saying, "I think I can prove how profits from drugs and arms finance covert wars in the name of American national security." If you would share with us here the evidence that you have on that and any availability of that evidence.

Mrs. **Jensen-Stevenson**. Well, there is a lot of evidence. I mean, I think if you want to explore that it would be useful for you to talk to people who are a lot more knowledgeable about that. I spent some time talking to Alfred McCoy, who wrote "The Politics of Heroin."

He spent a lot of time in the early 1970's personally talking to people in Laos and Thailand who were involved with that activity, including General Vang Pao. He is much more knowledgeable than I am.

What is in the Senate Foreign Relations Committee Minority material is, for example, an interview with a high-ranking Laotian general, who also talks about that, which was background for our book as well. But, we went to people like McCoy, who are the experts.

Senator **Brown**. As I read your book, there is at least a suggestion or a hint that some of the reluctance to bring American servicemen home in the Laos area is somehow related to the drug trade. Is that a fair statement?

Mrs. **Jensen-Stevenson**. Yes. I mean, we did not deal with that extensively because that would be another whole book and a lot more research would have to be done. But it is certainly clear that part of that "secret war," as it is known, was financed by the sale of illegal drugs and arms.

Senator **Brown**. Do you have any additional names of people who you think could give testimony or information that would help us?

Mrs. **Jensen-Stevenson**. On the drug question?

Senator **Brown**. Yes.

Mrs. **Jensen-Stevenson**. Yes, I think I could provide you with that. I just recently participated in a teleconference with many of the people that we had been in touch with, and it would probably be easy for me to give you the list of those people.

[See p. 2 of the appendix.]

Senator Brown. I think the Committee would be interested in that.

The Chairman. Let me just say to the Senator that, as chairman of the Subcommittee on Narcotics and Terrorism, we spent a significant amount of time looking at some of those issues, and there is a long report of the Subcommittee that has a huge amount of now documented information. In fact, some of the people involved in that in this hemisphere are being used by our Government as witnesses against major drug dealers in this country, including the Noriega trial.

So, there is a large body of evidence about it over a long period of time.

Mrs. Jensen-Stevenson. I have to tell you we did rely upon other direct witnesses. We have not had any sort of direct dealings with drug dealers or anything like that. But I think the work, for example, of Alan McCoy, who is a professor at the University of Wisconsin, is very solid when you look at it and you check back on the work he did.

Senator Brown. What can you tell the Committee about rescue missions, the covert efforts to rescue the POW's?

Mrs. Jensen-Stevenson. Well, I can tell you that I spoke to people in the Pentagon who were directly involved with some of those missions, and they told me point blank that the intelligence that those initial efforts were based on was absolutely topnotch. One of the people I spoke to at the very beginning about this also was Admiral Tuttle. Another person was with ISA, which has since been discredited to some extent, but I still believe that the information we got about those early rescue attempts was accurate.

Senator Brown. In this area also, I think the Committee would appreciate any suggestions you might have for people who would be able to provide information about those missions. You have already given us some, and if others occur to you, I think it would be helpful to us.

[See p. 2 of the appendix.]

Mrs. Jensen-Stevenson. I would hope that one of the things that this Committee would do would be to get the SEPA records of the Ron Rewall trial, where the judge determined that it could not be open to the public because of the emotional impact it would have on the families of prisoners.

We saw some of those papers and some of that testimony, and I think you would have access to all of it. I think it would be very important for you to look at it.

Senator Brown. You have spent some time with Bobby Garwood.

Mrs. Jensen-Stevenson. Yes.

Senator Brown. Would you indicate or share with us your view of how reliable his information is and whether or not he did indeed switch sides?

Mrs. Jensen-Stevenson. My view and that of my husband, who has a lot more experience in dealing with intelligence matters, is that he was never a collaborator and he did not lie about other prisoners. I know that General Tighe has told us that he could not possibly have made up the things that he said in his debriefing; that it so closely matched what DIA knew about other prisoners.

I think he has really been maligned. I think his life has been, to a large degree, destroyed. He has made a remarkable comeback. He has handled it very well.

Senator BROWN. Did he indicate to you how it was he came to be captured in the Danang area?

Mrs. JENSEN-STEVENSON. Yes. Of course I know that too from the court-martial records and other sources. I would like to tell you a story about Garwood. We knew a lot about him, but we did a radio program in Chicago last year, last fall, a new news show and suddenly a call came in very urgently from someone California who had been just driving through the city.

He said, I just had to call you. I heard you talking about Bobby Garwood. I want you to know that he was still in the Marine Corps. I was present at that first debriefing or first talk that Garwood had with the Marine Corps, and he did nothing but talk about other prisoners.

That is just an example of the kind of information that has come in on Garwood.

Senator BROWN. The specific area that I was concerned about was, as I understood from your book, he was captured in an area near Danang, out by Marble Mountain, near the hospital air base complex.

Mrs. JENSEN-STEVENSON. Yes. I do not know if you remember, but initially he was charged with desertion. At the last minute at the court-martial the person who had actually raced with him for the job, that particular driving job, they were both drivers, showed up and said, yes, it was an official assignment. And he was captured.

I have also seen copies of a photograph of him under guard, with his hands tied. That, for some strange reason, was never shown at his court-martial.

Senator BROWN. Did he ever mention how it was he was captured, though, the actual capture? I mean, I was in Danang at the time. That part of the peninsula is quite a secure area.

Mrs. JENSEN-STEVENSON. Well, he was ambushed. I mean, it is in the book. And I do not want to contradict myself by now repeating it, but we described it as he described it to us. I mean, it was an ambush.

Senator BROWN. Thank you.

The CHAIRMAN. I take it there are no other questions of this panel.

[No response.]

The CHAIRMAN. Let me announce then——

Senator MCCAIN. If I could just make one comment. Mr. Quhyn, who was the interpreter for the Woodcock Commission, has stated to us that there was never an offer for 160 POW's. I would be interested in his statement.

Mrs. JENSEN-STEVENSON. All I can say is, gentlemen, you have the option of bringing the witness here, and I hope that you do. Maybe you will disagree.

The CHAIRMAN. But it is not up to us to disagree.

Senator McCain. It is not a matter of disagreement; it is a matter of evidence.

Mrs. Jensen-Stevenson. Well, the evidence will be when you bring the person here, then you can decide whether he is lying or not.

The Chairman. Well, let me just say that I think that there is going to be a lot of evidence swirling around. We have had absolutely polar opposite statements on certain things, not by your panel, but in the course of testimony that we have heard. Some of which, incidentally, is not as far apart as it may seem at first blush.

I mean, Colonel Bui Tin's testimony this morning, while he professes knowledge of and firsthand testimony to the effect that no one is alive today, clearly left room in terms of where he was and what he knew in the early days of the aftermath of the war. So that there is a lot of room here to begin to sort this out. And I think that is exactly what the Committee has to do.

I want you to understand that all of this needs to be checked out, and that is why you are here. I think what is positive is that we are going to check it out, and you have come here with that understanding.

Mrs. Jensen-Stevenson. I think so, too.

The Chairman. We need to work with you more in order to be able to do that.

Let me just ask you one quick question. How long will you be here? Are you going back to Bangkok?

Mrs. Jensen-Stevenson. Yes.

The Chairman. Will you be here another day or so?

Mrs. Jensen-Stevenson. Yes.

The Chairman. I would appreciate it if staff could meet with you tomorrow to further inquire with respect to some of these names, places, people, and so forth, so that we can begin that process almost immediately of going after it.

The second thing I would like to announce is that we had previously scheduled the administration and certain agencies to come back this afternoon in order to respond immediately. Unless they insist that they would like to do that this afternoon because of anything that has been stated or put in the record I would prefer and I think the Committee would prefer, to slide that over until next week or to permit staff to go through the 3 days of testimony. It will permit us and them to do a better job of culling questions and discrepancies so that we can address them without a sense of being rushed.

So, my preference would be, barring their insistence to the contrary, that we would delay them until week, and simply complete the panels that are set out today.

Ms. Stevenson, Mr. Cawthorne, your books are your own testimony, obviously, and I am confident that every Member of the Committee and the staff are going to go through them in great detail. We are going to try to pare every single inconsistency against other inconsistencies and so forth, because, as I think everybody has said, this is really the last shot. And if we do not do that and try to separate what we understand to be reality or not there is no way for this Committee to begin to answer these questions.

So, we thank you for it. And I thank you. You have come a great distance at great personal expense, and we are very appreciative for that. And we would like you to just be available to the staff in the next hour so that we could pursue some of those issues.

Thank you.

We have two panels. I do not think they are going to take that long. The next panel is Mr. Jeffrey Donahue, the author of the POW–MIA Timeline, and Ted Sampley of the Homecoming II Project, U.S. Veteran News and Report.

Following that, the final panel will be made up of the most recent publicized cases of photographs of Col. Jack Bailey, on the Carr case; Hamilton Gayden on the Borah case; and Albro Lundy, Shelbey Robertston Quast, and Gladys Fleckenstein, representing the Lundy/Robertson/Stevens case.

Gentleman, would you stand please so I can swear you in.

[Whereupon, the witnesses were sworn.]

The Chairman. Mr. Donahue, do you want to lead off.

STATEMENT OF DR. JEFFREY C. DONAHUE, AUTHOR POW/MIA TIMELINE

Dr. Donahue. Yes, sir. I would like to shorten my opening——

The Chairman. Would you pull the mike close to you. Without objection, your full text will be placed in the record with any accompanying materials.

Dr. Donahue. That is why I would like to shorten my opening statement, if I may, and then make some brief comments, and take questions on a few important issues that have been raised over these 3 days: the nature of the intelligence, the nature of the conspiracy and the coverup, the mandate for the Committee——

The Chairman. Would you identify yourself with just a little background?

Dr. Donahue. Yes, indeed. My resume is in my statement that I've issued. My name is Jeffrey Donahue. I'm the brother of Maj. Morgan Jefferson Donahue, missing in action in Laos since December 13, 1968. I've been involved in this issue ever since then.

I am the author of the Indochina Timeline, which I've submitted to the Committee. I'm a member of the board of directors of the National League of Families. I'm a member of the National Alliance of Families, the Connecticut Forget-Me-Nots. I've been in Laos I guess 5 times since 1988. I went to Laos extensively in 1973, 1974, 1975 I guess; Thailand many times in the interim.

I'm chairman and president of Friends for Humanitarian Aid to Laos, which is a Federally tax exempt charity, incorporated in Connecticut, and travel there extensively and will be going again in January.

The Chairman. And what do you do to earn a living?

Dr. Donahue. I have been with Union Carbide for the last 13½ years, and presently hold the position of manager of international finance and treasurer for Latin America and Africa.

The Chairman. And who funds the efforts that you undertake?

Dr. Donahue. Friends for Humanitarian Aid to Laos is purely private. We solicit donations, contributions of medical equipment and supplies from corporations and distribute them in Laos through the Ministry of Health, specifically the Maternal and Child Health Institute.

The CHAIRMAN. And your trips are funded through that?

Dr. DONAHUE. By ourselves and through that, yes.

The CHAIRMAN. Thank you.

Dr. DONAHUE. OK. But, as I said, let me shorten my comments and then turn to some critical issues. As my resume I think states, I've spent an enormous amount of time, energy, heart, money, everything, trying to account for my brother, who is missing in action in Laos since December 13, 1968. And there really is only one reason I have done this: because he and others in Laos were abandoned by their government; by the government which they willingly served in the belief that they were doing the right thing for their country.

It's very simple. How it happened was the POW's in Laos were abandoned through the mendacious conduct of foreign policy. Laos was the ultimate secret war, funded and operated by the CIA and its Thai mercenary army. In the rush to disengage from Laos and from Vietnam, the war which had torn this country apart, Messrs. Kissinger and Nixon swept the POW's off the board as if they never existed.

They did exist, and until they are brought home this country is not going to be whole.

Now, I have submitted statements, Mr. Chairman, and documents to the Committee from the Defense Department, the State Department, the Pathet Lao, the North Vietnamese, and everybody else, regarding American prisoners-of-war in Laos, held by the Pathet Lao during the Vietnam war. All affirm that Americans were alive and in the hands of the Pathet Lao.

Indeed, several of the documents from our own government not only gave the precise locations of POW camps in Laos, but also the number of Americans in those camps. For the proof of existence of U.S. POW's in Laos during the war and after the signing of the Paris Peace Accord is immutable. I think you can imagine my feelings and the feelings of my mother and father when we were watching Operating Homecoming on T.V., and no prisoners came out who had been imprisoned in Laos.

Sitting there praying and hoping that one of the pilots who came out—one of the servicemen who came out—the next one was going to be from Laos. Maybe it'll be Morgan, and we can run up and hug him and kiss him like all those other families who were hugging and kissing their returned loved ones, fathers, sons and brothers, who had come back from the two Vietnams.

No POW's came back who had been held captive in Laos. I think with that commenced a new dimension of human suffering for their families and a new erosion in the integrity of government.

I think beyond our suffering and loss of faith in our government is the greater and growing awareness by so many Americans based on the fact that servicemen were abandoned in captivity by their government. This goes beyond the polls, where some 70 percent of Americans believe that's the case, Senators. Because when we as a country lose faith in our government, then all is lost.

I think the country does recover a lot from its trials and tribulations. You know, and we move to a higher plane of economic and political awareness. But that's not the case when we abandoned live POW's. And there is only downside for our country.

Now, importantly, I think that downside is not going to be transmuted into upside by the present process of normalization of relations with Vietnam. I would like to say a few words about that.

I would like to observe, and we can talk about this later though, that if you don't intervene as a Committee in the POW–MIA process to bring home the prisoners-of-war, I think then you'll have sanctioned their abandonment in the first place.

If we know that the POW's were alive during and after the war and unreturned, hopefully, some of them and possibly many of them are alive today. In that process, nothing is greater cowardice than for me to listen—not for me to listen, but for me to hear the cowardly statements of the Defense Department and State Department say, as they so often do, we don't have any proof that they're alive today.

To me, those statements are worthy of scorn, opprobrium and contempt, and just another way to obfuscate the truth of the POW–MIA issue.

With respect to normalization, I fundamentally believe that the process of normalization and, ostensibly, accounting for the POW's and MIA's as laid out by the State Department and Defense Department, the road map itself embodies the lie that the executive branch of government has perpetuated for so many years, that no Americans were left behind, nor are alive today.

The Defense and State Departments continue to perpetuate this lie so deliberately and so rigorously that it is incorporated into the road map such that, to me, no POW's will be brought home.

To affirm this, and I feel strongly that you should do so, you can investigate two questions with the Government, the executive branch. First, why are we not making normalization contingent upon a return of the POW's throughout Indochina? In other words, why are we giving up the great leverage we have to negotiate a return of the live POW's in exchange for normalization?

The Vietnamese are desperate for our investment, trade and diplomatic recognition. Are we not desperate for our missing men, for our POW's? Is this not the substance of negotiated deals, instead of give-aways?

To give the Vietnamese and Laotians everything they want in exchange for some undefined progress on the POW–MIA issue as is presently laid out in the road map is to forever abandon the POW's. Is that something this Committee and, indeed, the entire U.S. Senate wishes to endorse?

Second, why is the road map classified, and what are the judgmental elements of progress that are in it? The fact that they're judgmental was stated to me, including Mr. Sampley and others, in meetings with Messrs. Kenneth Quinn and Carl Ford this September. When I asked them what constituted progress on the POW–MIA issue, by which normalization would be implemented, they simply said, progress is a judgment call.

Ladies and gentlemen, that is not the way the fate of the POW's who were left behind should be negotiated. I beg you to seek the declassification of the road map so you and we, the public, may have input and, if necessary, change its direction.

The road map is not going to heal the great wound this country feels as a result of the abandonment of those who served it. You see, here the problem is but one thing. It is secrecy. The war in Laos was a secret war. The POW's in Laos were secret. The POW and MIA intelligence is a secret still classified. And the road map is a secret, highly classified.

Everything is a secret and is so only because of one thing. That is because some people are hiding the truth. For them, the truth is too powerful for this country, too destructive for the morale of armed forces, and too debilitating to our national honor for it to be told.

Thus, in the eyes of the individuals who have lied about this subject for so many years, the country is better off by the secret not being told, and by the POW's forever serving their country rotting away in Indochina.

To these incredibly morally bankrupt individuals, the secret and the lie must prevail, and the truth must never be told. But until the truth is told, ladies and gentlemen, I think that until the live POW's are brought home, there is no honor, no dignity, no morality, for this country.

The road map embodies the secrecy and the lie, and it is up to you all to change it.

Please, we cannot have an honest POW–MIA policy until we have honesty about the issue. The fact that live Americans were abandoned makes the blood boil of everyone I know, except the war policymakers involved in the secrecy and the lie.

I therefore ask this Committee to request the White House to defer normalization of relations with Indochina until you have finished your research and investigations and have issued your conclusions and recommendations. With the road map, the White House is running away from you and will persevere with the lie and abandon the live POW's.

I think this Committee is too distinguished for that. I think the POW's are. And I certainly think their families are. I would like to know, as we get into the questions and answers, what you think about that as well.

I tell you what. I'm tired. My parents are tired. My mother has a broken heart over this issue. We have spent 22 years trying to account for my brother. We have no faith in our government. And we're on the verge of losing it in our country.

I appeal to you to do the right thing and intervene in the POW–MIA process, and bring the live POW's home now. Please, help us regain our faith.

Now, I would like to close my opening statement by adding that, to me, solving the Indochina POW–MIA issue and bringing home the live POW's is an incredibly simple and straightforward process. The President puts the Secretary of State on an airplane and sends him to Hanoi and Vientiane with a mandate. Use our levers of investment, trade and diplomatic recognition, and negotiate with the Vietnamese and Laotians to bring home the live POW's.

To do so, you must also give the Vietnamese a face-saving way of giving the men back. It's that simple. And it's certainly consistent with the highest national priority.

Thank you very much.

Now, I can answer and make statements.

[Applause.]

Dr. DONAHUE. I can answer and make statements, as I would like to, very briefly, about the mandate for the Committee, the nature of the intelligence, the nature of the conspiracy of the coverup, and specifically, why the Vietnamese are holding live POW's. I can also talk about the Pathet Lao, because I have been going to Laos probably more than anybody in this room. Talk about live-sighting reports, because here's the latest pile of live-sighting reports on my brother.

[The prepared statement of Dr. Donahue follows:]

PREPARED STATEMENT OF DR. JEFFREY C. DONAHUE

Ladies and Gentlemen of the Committee: As the resume submitted to you shows, I have spent an enormous amount of my time, energy, heart and money trying to account for my brother, Maj. Morgan Jefferson Donahue, Missing-in-Action in Laos since December 13, 1968. There is only one reason why I have done this: because he and many others in Laos *were abandoned by their government*—by the government which they willingly and honorably served in the belief they were doing the right thing for their country.

Very simply, the POW's in Laos were abandoned through the mundane and mendacious conduct of international diplomacy. Laos was the ultimate secret war, funded and operated by the CIA and its Thai mercenary army. The Indochina War tore this country apart. In the rush to disengage from it, Messrs. Kissinger and Nixon swept the POW's off the board as if they never existed. They did exist, and they exist today. Until they are brought home, this country will not be whole.

I have submitted statements and documents to this Select Committee from the Defense Department, the State Department, the Pathet Lao and the Vietnamese regarding American Prisoners-of-War in Laos during the Vietnam War. All affirmed that Americans were alive and in the hands of the Pathet Lao. Indeed, several of the documents from our own government not only gave the precise locations of POW camps holding Americans in Laos but also the number of Americans in those camps. The proof of the existence of U.S. POW's in Laos during the War and after the signing of the Paris Peace Accord is immutable.

Thus, can you imagine my feelings and those of my mother and father and the families of so many servicemen lost in Laos while we were watching Operation Homecoming on T.V. and no prisoners came home who had been imprisoned in Laos? Can you imagine the intensity of my hopes and prayers, saying to myself, "O.K. God, the next one is going to be from Laos—maybe it will be Morgan and we'll celebrate as powerfully as those other families who are running to the aircraft to hug and kiss their fathers, sons and brothers who had come back from the two Vietnams.

No POW's held captive in Laos came back despite all the proof. With that commenced a new dimension in human suffering for their families and loved ones. And, there also commenced a new erosion in the integrity of our government.

Some of us have kept our lives moving even with our suffering; others have not. Oh, how I weep for them and for their loved ones left behind to face mean, cruel fates in the POW camps and jungles of Indochina.

Just as sadly, that suffering inevitably warped itself into a tragic twist which I believe *only you* by your actions can untie: *loss of faith in our country* and a firm perception that it cannot and will not do the right thing, which is to bring home the live POW's from Laos even at this late date. Indeed, loss of faith in our country over and above our government is truly heartbreaking because we all were among the most intense lovers of our country. We were as patriotic as could be.

And beyond *our* suffering and loss of faith is the greater and growing awareness by so many *other* Americans—based on the facts—that servicemen were abandoned in captivity by their government. This goes beyond the polls, Ladies and Gentlemen, because when we as a country begin to lose faith in government then all is lost. I think this country does recover from a lot of its trials and tribulations and moves to a higher plane of political and economic awareness, but that is not the case when our government leaves behind live POW's. There is only a downside for our future.

That downside, in addition, is not going to be transmuted into upside by the present process of normalization of relations with Indochina, and I would like to say a few brief words about this. I need to first note, though, that *if this Committee does* *not intervene to bring home the live POW's then you will have sanctioned leaving them behind in the first place.* If, as we know, they were alive during and after the War, then some and hopefully many of them are alive today. Nothing could be greater cowardice than for someone to say (as the representatives of the State and Defense Departments so often do), "Well, we don't have any proof they're alive today." Such statements are worthy of nothing but scorn, opprobrium and contempt and are nothing more than another way to obfuscate the truth of the POW-MIA issue.

I fundamentally believe that the process of normalization and, ostensibly, accounting for the POW's-MIA's as laid out by the State and Defense Departments—the so-called "Roadmap"—itself fully embodies the lie that the Executive Branch of government has perpetuated for so many years: no Americans were left behind alive nor are alive today. The Defense and State Departments continue to perpetuate this lie so deliberately and so rigorously that it is incorporated into the Roadmap such that no live POW's will be brought home. Two questions affirm this to me, and I feel strongly that you should investigate them as thoroughly as you can:

(1) Why are we not making normalization *contingent upon* a return of the live POW's throughout Indochina, i.e., why are we giving up the great leverage we have to negotiate a return of the live POW's in exchange for normalization? The Vietnamese are desperate for our investment, trade and diplomatic recognition—are we not desperate for our POW's? Is this not the substance of negotiated deals rather than giveaways? To give the Vietnamese and Laotians everything they want in exchange for some undefined "progress" on the POW-MIA issue, as presently is the course laid out in the Roadmap, *is to forever abandon the live POW's.* Is that what this Committee and, indeed, the entire U.S. Senate wishes to endorse?

(2) Why is the Roadmap classified and what exactly are the judgemental elements of progress? The fact that they are judgemental was stated to me and others in meetings with Messrs. Kenneth Quinn and Carl Ford this September. When asked what constituted progress, they simply said, "Progress is a judgment call". Ladies and Gentlemen, that is not the way the fate of the POW's who were left behind should be negotiated. I beg you to seek the declassification of the Roadmap so we the people may have input and, if necessary, change its direction. Again, the Roadmap is not going to heal the great wound this country feels as the result of the abandonment of those who served it.

You see, here the problem is but one thing: secrecy. The war in Laos was a secret war; the POW's in Laos were a secret; the POW intelligence is a secret; and, the Roadmap is a secret. To me, everything is a secret only because some people are hiding the truth. And, to them the truth is *too powerful* for this country, *too destructive* for the morale of our Armed forces, and *too debilitating* to our national honor for it to be told. Thus, in the eyes of the individuals who have lied about the subject for so many years, the country is better off by the secret *not* being told and by the POW's forever "serving their country" rotting away in Indochina. Therefore, to these incredibly morally bankrupt individuals the secret—and the lie—must prevail and the truth must never be told.

Until the truth is told, Ladies and Gentlemen, and until the live POW's are brought home, there is no honor, there is no dignity, and there is no morality in the armed forces and foreign policy of this country. The Roadmap embodies the secrecy and the lie and it is up to you to change that. Please, we cannot have an honest POW-MIA policy until we have honesty about the issue. The fact that live Americans were abandoned makes the blood boil of everyone I know—*except* those warped policy-makers involved in the secrecy and the lie.

I must therefore ask this Committee to request the White House to defer normalization of relations with Indochina until you have finished your research and investigations and have issued your conclusions and recommendations. With the Roadmap, the White House is running away from you and will persevere with the lie and abandon the live POW's. I think this Committee is too distinguished for that. The POW's are, their families are, and so is this country.

I'm tired, Ladies and Gentlemen. My parents are tired and my mother has a broken heart. We have spent over 22 years trying to bring my brother back from Laos. We have no faith in our government and we are on the verge of losing it in our country. I guess in this latter regard we would join my brother. Does anyone in this room think that it is his faith in his country which has kept him alive? I dare say not; rather, it probably is his faith in his creator and his family, knowing that *we* would not abandon him as his country has. Please, please help us regain our faith in our country. Please do the right thing and intervene in the POW-MIA process and bring the live POW's home now.

I would like to add that to me solving the Indochina POW–MIA issue and bringing home the live POW's is incredibly straightforward process: *the President* puts the Secretary of State on an airplane and sends him to Hanoi and Vientiane with a mandate: using our levers of investment, trade and diplomatic recognition negotiate with the Vietnamese and Laotians to bring home the live POW's; to do so you must also give them a face-saving way of giving the men back.

It is that simple. I think he needs your encouragement to do it.

Thank you very much.

The CHAIRMAN. We are going to want to get into that. Why do we not proceed so we can have time to do that.

Mr. Sampley.

STATEMENT OF TED SAMPLEY, CHAIRMAN, HOMECOMING II PROJECT

Mr. SAMPLEY. Chairman Kerry and Smith, and all the Senators, I wish to thank you for the opportunity to address you today. I am Ted Sampley. I am a former U.S. Special Forces non-commissioned officer, with two tours of duty in Vietnam, during which time I had a top secret clearance.

During my tours in Vietnam and Cambodia I was decorated six times, which included four Bronze Stars, the Army Commendation Medal, and the Republic of Vietnam Cross of Gallantry, and a special citation from the anti-communist Cambodian government. This special citation was a result of my being part of a handful of Green Berets who secretly trained three battalions of Cambodian troops to overthrow the Cambodian government of Prince Sihanouk in 1970.

In short, many times I was in places that the U.S. Government was denying that I was supposed to be. The same as the war in Laos. The Green Berets that were serving in Laos and other people that served in Laos at that time, the American people were being told something other than the truth.

Currently, I'm chairman of Homecoming II Project. It's a civilian national POW–MIA organization, and I publish the U.S. Veteran News and Report, which is a monthly veterans newspaper. We have a readership of approximately 30,000. It goes all over the place.

The Homecoming II Project, by the way, has one of the largest collections of POW–MIA data outside the U.S. Government. We have spent years collecting it. You can take, say, someone in the United States that's wearing a POW bracelet. They can write Homecoming II, and we'll send them a bio, an accurate bio of what happened to this man. We'll give the American public information that the U.S. Government will not give about the case studies of these men.

We have spent a lot of time and a lot of money collecting this information. We're proud of it. We have shared it with the Senate Foreign Relations Committee. We have a computer network in which anyone can sign up. As a matter of fact, the POW Network which these bios are on, are represented in here tonight in the back.

Before I get into the thrust of my testimony, I would like to make a recommendation. I've been in the POW issue—I got started in 1971 through 1973. As a matter of fact, I worked very hard in a little group called Americans Who Care in Fayetteville, NC, while I was still in the service.

I worked very hard to bring veterans like Senator McCain and others home, who we knew were being treated in a most harsh way. Sometimes, after I read about what happened to these folks, I wonder how they can even come home and survive. Only people who have walked in their shoes can know what they went through.

The Americans Who Care sold bracelets. They passed out information. And most of the—well, all of the income was given to the National League of Families. So, in those days, I indirectly worked for the National League of Families.

Today, Homecoming II has a number of projects. We operate a vigil down near the Vietnam Veterans wall. We are under a very heavy attack by certain folks represented in the U.S. Government to try to oust us from our location down there. I took over Homecoming II approximately 2 years ago. I was appointed chairman. It is a nonpaying job.

Senator McCain, I respect what you said and I believe it. If you want to be the devil's advocate, it needs to be done. Senators, you have someone in front of you that's one of those persons that has been accused of "making money on the issue." Bring it up. Ask me about it. Ask me about funds.

You have one of these folks in the issue that is accused of being a radical. I am an activist. We do things and have done things for a number of years to try to keep the POW issue alive in front of the American public. Again, the way I've been repaid over the years is with name-calling. We've been called worms, Rambos. I think Colonel Childress named us the North Carolina Crazies. The list goes on and on in an attempt to discredit us.

But let me give you an example of what we have been doing. You talk about the reward. This is a blown up copy of Vietnamese money, and you can barely see it, but written on this Vietnamese money is the reward offer with Capt. Eugene Red McDaniel's phone number on it, to where anyone that runs across this money—we spread this around inside of Vietnam, by the way. We send some people through there.

Captain McDaniel did not ask us to do that, but since he was representing the reward, we spread it around. This is a copy of the reward message that we floated down the Mekong advertising the reward. There it is in Vietnamese, quite clear that it is a reward for a living American POW, not a set of remains. It's clearly written here.

There's another one, I believe the Colonel held it up a few minutes ago. This is where it comes from. We spread it. This little bell tells a lot. This come out of Laos. This tells the story of the excavation that the U.S. is doing in Laos and Vietnam. This is made, gentlemen, from a downed U.S. aircraft. The Lao have been going in for years. They've been taking the metal out of these crash sites, everything they could find of value, stripping it, melting it down, and making little things like temple bells out of it.

These are pictures of that salvage coming across the Mekong River out of Laos—there's Vientiane—you can see it's quite clearly U.S. salvage. Quite clearly. You all can have these pictures. You can look at them. You can do what you like. The point is that this crash site excavation is bull, because the Lao civilians have been going through this for years.

The CHAIRMAN. Can we have the clerk perhaps collect those pictures and circulate them among the Members.

Mr. SAMPLEY. Let me get into my testimony.

The CHAIRMAN. You mean you were not?

[Laughter.]

Mr. SAMPLEY. I turned in 40 copies of this. Senator Kerry and others, you asked for documentation. I hope you have this in front of you. It has a number of exhibits. Do you have my documentation? If you do not, someone has it in your office.

[See pps. 290–339 of the appendix.]

I am here today to inform this Committee and the American people that key U.S. Government officials, starting with some in former-President Richard Nixon's Administration and into George—President George Bush's Administration have conducted a program of misinformation, disinformation, discrediting, domestic spying, ridiculing against civilians, veterans groups and individuals who are concerned and believe that our Government has not been serious about resolving the issue of Americans unaccounted for and prisoners of war and missing in action.

During the Administration of President Ronald Reagan, I have good reason to believe that this activity was being orchestrated from the President's National Security Council which, as you Senators know, has no authority to engage in such activities—particularly domestic spying.

I am, therefore, respectfully urging that a special prosecutor be appointed to investigate this situation. I had an opportunity to learn first-hand the U.S. Government's methods of spying upon and dealing with the Vietnam veteran activists who are concerned about the POW issue, when I was approached in March 1983 by Col. Charles "Chuck" Allen, a retired Special Forces Lieutenant Colonel.

I was hired by Lieutenant Colonel Allen, of Fayettville, NC, who at that time was head of operations for a specially organized group called the Center for POW/MIA Accountability. I was hired to infiltrate the veterans' group called the Veterans Vigil Society. The Veterans Vigil Society was operating a 24-hour POW/MIA "color guard" vigil near the Vietnam Veterans Memorial in Washington, DC.

Members of the Vigil had sworn to remain at the Memorial "until all of the Vietnam POW/MIA's are accounted for." As a matter of fact, an off-shoot of that group—I think it is called BRAVO—true to its word, still maintains a 24-hour vigil.

[See exhibit A p. 290 of the appendix.]

My assignment was to determine how much money the Vigil was taking in, where and how it was being spent, the names of its members, if they were "doing drugs", and if they had any connection to Lt. Col. Bo Gritz and to a man identified as Mike Babcock.

Allen told me that it was believed that members of the Veterans Vigil Society were helping to prepare a POW rescue mission into Laos. He said that the U.S. Government "disapproved of private forays" and if I could identify the people who were planning such a mission, their passports would be seized by the U.S. Government.

He took a small address book from his pocket and pointed to a list of names he said included FBI agents and National Park Police investigators that were also gathering information about the veterans. I wondered, in addition to being impressed by the information that he had in his hand, how a supposed civilian would have that kind of information. How does he have the names of the FBI agents that are investigating?

To infiltrate the Vigil for a week—which I did in April of 1983—I was promised $500 in expenses, which was paid; then $500 for the investigation which was never paid—I think because my investigation turned up nothing of significance about the Vet group. Allen told me the remainder of the money was to be paid through former Special Forces Lt. Col. Robert K. Brown, a member of the Center board of directors, and publisher of Soldier of Fortune magazine.

I later learned Brown had provided the Center with $5,000 "start-up" money, and had at that time continued to be a major benefactor for the Center.

During either the first or second week in April of that year, I returned to Fayetteville and submitted to Allen a written report, detailing what I had found out about the Vigil. I was in Allen's office when he picked up the phone and called a man he referred to with familiarity as Dick Childress, and gave him a report about the information I had gathered.

According to Allen, the documents he provided me, the Center was an organization which was incorporated with non-profit status, and was based in—and may still be in Washington, DC. At that time, retired Maj. Gen. John K. Singlaub, a close associate of Brown, was head of the Center and its membership consisted mostly of retired senior military officers.

Allen told me that "the Center interacts with and maintains a working relationship with Government agencies responsible for POW/MIA affairs." Allen went on to say that the Center had a close relationship with the White House, naming Dick Childress as the Center's principal contact—who I later learned was then-Lt. Col. Richard Childress, the director of Asian Affairs for President Reagan's National Security Council, who I also later learned had been sharing an NSC office with Lt. Col. Oliver North. I was also present at subsequent dates when Allen made several other calls and reports by phone to Childress.

On one visit to Allen's office in Fayetteville, I was shown by Allen a pile of several-hundred color slides taken by Gritz's team inside of Laos. These slides, according to Allen, had been obtained without Gritz's knowledge by bribing a disenchanted team member who had stolen the film from Gritz before it had been developed. It was my understanding that copies of these stolen slides had been or were subsequently provided to Childress.

I later learned Soldier of Fortune magazine was engaged at that time—at the time I was working for the Center—on a special edition trashing MIA activist Gritz, Scott Barnes, and Col. Jack Bailey and others. I believe it's interesting to note that the same people, including Singlaub and Allen—served on both the staff at the Center and are listed as contributing editors and/or advisors to Soldier of Fortune magazine. In fact, Center for Accountability officers Allen, Singlaub, Ret. Brig. Gen. Heine Aderholt, James P. Monaghan, and Milt Copulos, were cited for their assistance in trashing the others in the magazine—cited for their assistance in trashing Gritz and others in the magazine's special edition.

[See exhibit B, p. 302 of the appendix.]

It is worth noting that while Childress and others at the White House were denouncing activists like Gritz and Bailey for their efforts in Southeast Asia, Lieutenant Colonel Brown and his soldiers of fortune were making armed military excursions across the Thai border into Laos, helping to finance and arm the Laotian anti-communist fighters. They even established what was known as a Forward Operational Base on Laotian territory—all in apparent violation of the U.S. Neutrality Act. Not one word was ever uttered by Childress or any Member of the Reagan White House about this, even after Brown detailed the operation in an edition of his magazine.

[See exhibit C, p. 297 of the appendix.]

Apparently, illegal acts by Brown and his associates to arm communist guerrillas were acceptable to the White House. But the efforts of private citizens—like Colonel Bailey and Colonel Gritz and others, and Col. Al Shinkel—are not. Why, Senators?

The entire Childress/Center for Accountability effort was, from beginning to end, designed to discredit some of the most vocal critics of the U.S. Government POW/MIA issue. I'm sorry, it was designed to discredit some of the most vocal critics of the U.S. Government's POW/MIA policy. From then to now, the pattern has continued, rather than focus all available resources on resolving the problem of our missing Vietnam veterans, much of the effort has been directed toward destroying the credibility and or reputation of the critics. As a result of my experience with Allen, the Center for Accountability and the Veterans Vigil Society, I became convinced that there was something about the live POW issue that required a closer look.

I became a member, and later an officer in the Washington-based National Vietnam Veterans Coalition. I believe you received testimony from them yesterday. In August of 1984, I went to the Republican National Convention in Dallas, where a veterans parade had been organized by the National Vietnam Veterans Coalition. The purpose of the Dallas event was an attempt to get a meeting with President Reagan, so that the coalition's evidence of live POW's in captivity could be handed directly to the President. I believe at that meeting, Colonel Bailey was present. The parade, which had been organized well in advance, came apart at the seams—when, as we later learned, Lieutenant Colonel Childress had made a series of telephone calls to scheduled participants telling them that we were nothing more than motorcycle gangs and rabble-rousers, and there was a great potential for a riot.

[See exhibit D, p. 302 of the appendix.]

During the summer of 1985, I filed a complaint about Childress' interference with private groups. The complaint was filed with North Carolina Congressman Walter B. Jones, who later told me that my complaint had been sent over to the FBI. To this date, I have never had a response from the FBI involving that complaint—although I have heard from them in other ways.

In September 1984, John Mead, an international businessman and former CIA associate, filed a lengthy complaint with the Justice Department accusing Childress and the Center of participating in an illegal political relationship. Specifically, Childress was accused of using the Center as his private, investigative force; abusing classified information; threatening blackmailing and carrying out character assassinations in connection with classified POW documents.

Mead filed his complaint with the criminal division of the Justice Department and Fred Fielding, legal counsel to President Reagan, and others, with no success, and no response to the allegations.

[See exhibit E, p. 306 of the appendix.]

In the fall of 1988, the National Steering Committee for American War Veterans, a Vietnam activist group of which I am Chairman—and it was before becoming Chairman of Homecoming II—we lost a campaign into Southeast Asia designed to advertise the existence of the $2.4 million reward, put up by U.S. Congressmen, in hopes of persuading officials from Vietnam, Cambodia, and Laos to defect with at least one, living American POW. The plan was simple. We had generated approximately $5,000 in funds, which we had converted into small bills, U.S. and foreign, and we stamped them with the reward message—similar to what is being passed around in front of you, Senators.

Each stamped bill, along with a reward flier, was placed in a ziplock bag and made waterproof, so that it would float. In early October, team members Jim Copp, a Vietnam veteran and elementary school teacher, and Donna Long, a free-lance journalist and POW activist, entered Thailand—Donna is sitting behind me—and rented small boats for the purpose of placing the waterproof messages into the Mekong River, which is the boarder between Laos and Thailand.

The idea was to get the messages as close to the Lao side of the Mekong River as possible, so that they would float to the Lao side and be picked up by the Lao population. The further idea was then as they spent the money—which they would—they would read the message each time it was spent. We hoped to draw international attention to the reward. It was a publicity stunt also, which we did to draw Lao government officials attention to the reward offer, which was our primary purpose—also, which we did.

Jim and Donna, who were 2 days ahead of the other 4 members of the team—including myself—seized the opportunity, and actually entered Laos and began handing out the reward message, money to the Lao people. Unfortunately, in one of the villages, which they entered, they crossed paths with a Lao government official who placed them under arrest. Jim and Donna were blind-folded. Senators, they were handing out money. They weren't armed. They were handing out money, with a reward offer for American POW's that the Laos say do not exist.

The Chairman. Did they have a visa to enter?

Mr. Sampley. No, sir—Jim and Donna were blind-folded. Guns were placed at their heads. Their lives were threatened. They were tortured by being kept in solitary confinement and refused sufficient food to live on. They were, at one time, physically assaulted, and there was at least one attempted sexual assault on Donna during the captivity. Jim lost better than 30 pounds. He was very sick when he was released. He was kept for 41 days before being finally released.

And what is not in this written testimony, the release took place——

The CHAIRMAN. I need to ask you, Mr. Sampley, because I have given you a lot longer than almost every other witness has had for an opening—I do not want to be accused of cutting anybody off, but I do want to try to move you along.

Mr. SAMPLEY. 30 seconds—Senator, included in Exhibit F, p. 333, are classified U.S. cables which define the negotiations between Childress and the Lao government officials concerning the captive pair.

[See exhibit F, p. 317 of the appendix.]

The tone of the cables was clearly more a concern of how to use the incident to embarrass the Members of the U.S. Congress who were sponsoring the reward, rather than getting Jim—getting Long and Copp released.

I would like for this, and the rest of my testimony to be placed—along with the exhibits—into the records, sir.

[The prepared statement of Mr. Sampley follows:]

PREPARED STATEMENT OF TED SAMPLEY

Chairmen Kerry and Smith and Honorable Senators, I wish to thank you for the opportunity to address you today. My Name is Ted Sampley. I am a former U.S. Special Forces non-commissioned officer with two tours of duty in Vietnam during which time I had a top secret security clearance. During my tours in Vietnam and Cambodia I was decorated 6 times which included 4 Bronze Stars, the Army Commendation Medal and the Republic of Vietnam Cross of Gallantry and a special citation from the anti-communist Cambodian government. The special citation was awarded as a result of my being part of a handful of Green Berets who secretly trained 3 battalions of Cambodians troops to overthrow the Cambodian government of Prince Sihanouk in 1970.

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Senators, I am here today to inform this Committee and the American people that key U.S. Government officials, starting with some in President Richard Nixon's administration and into President George Bush's administration, have conducted a program of misinformation, disinformation, discrediting, domestic spying, and ridicule against veterans, civilian groups, and individuals who are concerned and believe that our government has never been serious about resolving the issue of America's unaccounted for prisoners of war and missing in action.

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I was also present at subsequent dates when Allen made several other calls and reports by phone to Childress.

On one visit to Allen's office in Fayetteville, I was shown by Allen a pile of several hundred color slides taken by Gritz's team inside Laos. The slides, according to Allen, had been obtained without Gritz's knowledge by bribing a disenchanted team member who had stolen the film from Gritz before it had been developed. It is my understanding that copies of these stolen slides had been or were subsequently provided to Childress.

I learned later, Soldier of Fortune magazine was engaged, at the same time I was working for the Center, on a special edition trashing POW/MIA activist Gritz, Scott Barnes, Col. Jack Bailey and others. I believe it is interesting to note that the same people, including Singlaub and Allen, served on both the staff of the Center and are listed as contributing editors and/or advisors to Soldier of Fortune magazine. In fact, Center for Accountability officers Allen, Singlaub, Ret. Brig. Gen. Heine Aderholt, James P. Monaghan and Milt Copulos were cited for their assistance in trashing Gritz and the others in the magazine's special edition. SEE EXHIBIT "B".

It is also worth noting that while Childress and others at the White House were denouncing activists, like Gritz and Bailey, for their efforts in Southeast Asia, Lieutenant Colonel Brown and his soldiers of fortune were making armed military excursions across the Thai border into Laos, helping to finance and arm Laotian anti-communist fighters and they even established a "Forward Operational Base" on Laotian territory—all in apparent violation of the U.S. Neutrality Act. Not one word was ever uttered by Childress or any Member of the Reagan White House about this, even after Brown detailed the operation in an edition of his magazine. SEE EXHIBIT "C".

Apparently, illegal acts by Brown and his associates to arm anti-communist guerrillas were acceptable to the White House, but the efforts of private citizens to locate and rescue American prisoners of war were not.

Why?

Senators, this concludes my verbal testimony in the time allotted to me. Further information concerning my knowledge of these White House-directed activities are detailed in my written statement and its attachments, which I respectively ask be made part of the record of this hearing.

The entire Childress/Center for Accountability effort from beginning to end was designed to discredit some of the most vocal critics of the U.S. Government POW/MIA policy. From then to now, this pattern has continued. Rather than focus all available resources on resolving the problem of our missing Vietnam veterans, much of the effort has been directed toward destroying the credibility and/or reputation of the critics.

As a result of my experience with Allen, the Center for Accountability, and the Veterans Vigil Society, I became convinced that there was something about the live POW issue that required a closer look. I became a member and later an officer in the Washington-based National Vietnam Veterans Coalition.

In August of 1984, I went to the Republican National Convention in Dallas where a veteran's parade had been organized by the National Vietnam Veterans Coalition. The purpose of the Dallas event was an attempt to get a meeting with President Reagan so that the Coalition's evidence of live POW's in captivity could be handed directly to the President.

The parade, which had been organized well in advance, began coming apart at the seams when, as we later learned, Lieutenant Colonel Childress had made a series of telephone calls to scheduled participants telling them that we were nothing more than motorcycle gangs and rabble-rousers and that there was a great potential for a riot. SEE EXHIBIT "D".

During the summer of 1985, I filed a complaint about Childress's interference with private groups. The complaint was filed with North Carolina Congressman Walter B. Jones, who later told me that my complaint had been sent over to the FBI.

I have never received a response.

In September, 1984, John Mead, an international businessman and former CIA associate, filed a lengthy complaint with the Justice Department accusing Childress and the Center of participating in an illegal political relationship. Specifically, Childress was accused of using the Center as his private investigative force, abusing classified information, threatening blackmail and carrying out character assassinations in connection with classified POW documents.

Mead filed his complaint with the criminal division of the Justice Department and Fred Fielding, legal counsel to President Reagan, and others, with no success and no response to the allegations. SEE EXHIBIT "E".

In the fall of 1988, the National Steering Committee For American War Veterans, a Vietnam activist group of which I am chairman, launched a campaign into Southeast Asia designed to advertise the existence of a $2.4 million reward, put up by U.S. Congressmen, in hopes of persuading officials from Vietnam, Cambodia, and Laos to defect with at least one American POW.

The plan was simple. We had generated approximately $5,000 in funds which we had converted to small bills, U.S. and foreign, and then stamped with the reward message. Each stamped bill, along with a reward flier, was placed in a zip-lock bag and made waterproof so that it would float.

In early October, team members Jim Copp, a Vietnam veteran and elementary school teacher, and Donna Long, a free-lance journalist and POW activist, entered Thailand and rented small boats for the purpose of placing the waterproof messages in the Mekong River, which is the border between Laos and Thailand.

The idea was to get the messages as close to the Lao side of the Mekong as possible, so that they would float to the Lao side and be picked up by the Lao population.

We hoped to draw international attention to the reward, which we did, and to draw Lao Government officials' attention to the reward offer, which we also did. Jim and Donna, who were 2 days ahead of the other 4 members, of the team, including myself, seized the opportunity and actually entered Laos and began handing out the reward message money to the Lao people. Unfortunately, in one of the villages, which the pair had entered, they crossed paths with a Lao government official who placed them under arrest.

Jim and Donna were blind-folded, guns were placed at their heads, and their lives were threatened. They were tortured by being kept in solitary confinement and refused sufficient food to live on. They were at one time physically assaulted and there was at least one attempted sexual assault on Donna during their captivity. Jim lost almost 30 pounds in the 41 days they were held and was seriously ill when finally released.

Senators, included in Exhibit "F" are classified U.S. Government cables which define the negotiations between Childress and Lao government officials concerning the captive pair. The tone of the cables was clearly more a concern on how to use the incident to embarrass the Members of the U.S. Congress who were sponsoring the reward offer rather than getting Long and Copp released. SEE EXHIBIT "F".

Upon the eventual release of Long and Copp, no effort was made by any U.S. government official to debrief either of the captives. Instead, a State Department official told the U.S. media that there was no point in debriefing either captive and praised the Lao government for its treatment of them. Long had to demand through her Congressman (Rep. Martin Lancaster D-N.C.) that the U.S. debrief her, because during her captivity her captors discussed the POW/MIA issue with her and she had at one point seen and waved to a man she perceived to be a black American. In fact, a guard told her that the man's name was "Austin." SEE EXHIBIT "G" p. 332.

A Homecoming II Project team was later illegally arrested and fined by Thai police, who admitted that U.S. officials had asked them to harass/detain American citizens working on the POW/MIA issue. SEE EXHIBIT "H" p. 335.

These efforts to discredit POW/MIA activists started to evolve in 1969 as Nixon became the nation's new chief executive. As the new President was organizing his White House staff, various close relatives of the ever-increasing number of Americans held prisoner of war and missing in action in Vietnam escalated their demands that the United States do something to help their love ones.

Foreign films of U.S. POW's in Communist captivity were sufficient evidence for the families that their love ones were being treated in a most harsh and inhumane way. POW wife, Sybil Stockdale had been organizing POW/MIA families. The results were overwhelming. It was not long before the White House, as well as Congressmen and Senators, were being deluged with mail from family members and the mail was becoming increasingly angry in tone.

"It did not take the new Nixon administration long to figure out that here was one protest movement that could be used to its benefit, "James C. Roberts of the Washington "think thank," the American Studies Center, wrote in his March, 1980, book, "Missing In Action."

Consequently, according to Roberts, in late 1969 the Nixon administration decided it should "go public" with the POW/MIA issue, to focus public attention on the terrible treatment of American POW's and MIA's by the Hanoi crowd.

Members of the White House staff of President Nixon arranged an organizational meeting in Washington DC, on May 1, 1970. On May 28, 1970, the National League of Families of American Prisoners and Missing in Southeast Asia was incorporated with an office in Washington, DC.

Faced with overwhelming disenchantment with the continuation of the Vietnam war Nixon had found a new mobilizing force: the maltreatment of American POW's by the "evil enemy."

Funding for the League of Families began with influential word from someone in the White House who touched the pockets of Defense Contractors to the tune of tens of thousands of dollars in contributions. Large donations from companies such as Grumman aerospace equipment manufacturers became common. Also in 1971, the League of Families was given the Republican National Committee contributors' list for its own use.

Technical advice was provided to the League by a wide range of experienced government officials, who kept a close eye on the POW wives, fearing that they may reverse their support of the President.

According to former League chairman, Col. Earl Hopper, a bank of about a half dozen 800-number, toll-free telephones mysteriously appeared in the League headquarters and free Air Force travel was given to POW/MIA family members whenever they wished to travel to and from Washington, DC.

The benefits to the Nixon administration were varied. For example, in April of 1971, when some POW/MIA family members, who were against the war, held a press conference in the Cannon House office building in Washington, DC, to denounce the war, pro-administration League members were flown to Washington for the purpose of having them disrupt the meeting. When the antiwar POW/MIA spokesmen got up to deliver their messages they were greeted by members of the League, who shouted about the inhumane treatment received by POW/MIA's. According to Roberts, this effort was orchestrated by White House aides.

The true intentions of the Nixon Administration toward the POW/MIA families were exposed during a meeting on April 14, 1971, between President Nixon and Senator Bob Dole, R-KS. A memorandum for the President on the meeting was drafted by an aide to presidential assistant H.R. "Bob" Haldeman. The memorandum states in part: "There was also some discussion of the Prisoner of War problems and the

Chairman [Dole as Republican National Chairman] made the point that this is a tender-box that is about to explode as there is a real danger of great numbers of POW wives reversing their support of the President. He suggested, therefore, a fairly major move for cosmetic purposes and the President asked that this possibility be explored." SEE EXHIBIT "I".

The Nixon administration used the League and the POW/MIA issue to enhance its own political agenda.

During the Ford administration, after the League of Families elected a more aggressive board of directors, the League's relations with the White House turned cool. Free Air Force transportation for POW/MIA family members to attend League functions in Washington, DC, abruptly ended. The bank at League headquarters of free 800-number telephones that had so mysteriously appeared during the Nixon administration just as mysteriously disappeared.

The Carter administration gave only patronizing lip service to the live POW/MIA effort while behind the scenes attempting to write off the POW/MIA issue by having all the missing servicemen declared dead. A memo was written by National Security Council (NSC) staffer Michael Oksenberg to NSC head Zbigniew Brzezinski in 1980, suggesting that Brzezinski write the League of Families indicating that he takes sightings of live Americans in captivity seriously. Oksenberg wrote "this is simply good politics; DIA and State are playing this game, and you should not be the whistle blower. The idea is to say that the President is determined to pursue any lead concerning possible live MIA's." SEE EXHIBIT "J".

Finally, during the Reagan administration, the White House worked hand in hand with its creation, the National League of Families, to espouse the official administration line on the POW/MIA issue and to trash any and all of those who dared to disagree.

The examples of this are so numerous that I would have to write reams to cover them. Rather than do this I am attaching to this statement some of the more blatant examples of this with documents that you honorable Senators will be able to judge for yourselves. SEE EXHIBIT "K".

The CHAIRMAN. It will be placed in the record.

I just want to give everybody a fair shot here. We do have Senators who I know want to ask you questions.

Incidentally, I am very sympathetic to being in places where you are not supposed to be, because I spent Christmas eve of 1968 in Cambodia, at a time when no one was supposed to be there, and made a couple of other incursions there with the CIA which we were not supposed to. And I am familiar with that. I am not going to question your comments there.

Most of your testimony, obviously, is not about the evidence of the live persons being there. It is evidence of interference with your activities that you presume to be indicative of a conspiracy to block information from coming out.

Now, those things have happened, and I am not going to doubt, and there is a record here, of people like Monika Stevenson and others feeling that kind of interference and sensing it, and so forth. The Committee is going to try to look at some of that. It is a lot harder.

I want to turn back for a moment, if I can, to Mr. Donahue's comments. It is a very broad and moving condemnation by a family, a family member, somebody deeply involved in this, whose bona fides cannot be contested. And you are really as critical as anybody we have heard about the government. You have said, point blank, that there has been a cover-up here that has been ongoing. And you are willing to document that.

Now, I have a number of questions about that. And these are sort of reasonable personal questions, if you will, and you probably have answers. But I want to ask them to you. Do you believe that when it comes to not coming forward with information that is known about a live American, a fellow comrade in arms, that someone like a Bill Bell, who served years in Vietnam, who has dedicated his life to try to find somebody, is he not bona fide? Is he faking it?

Mr. DONAHUE. You and I, Senator, are talking about cover-up and conspiracy on entirely different levels. I believe the cover-up and the conspiracy is in the POW/MIA policy. And if you will let me hit five bullets we can address that, and it embodies exactly what you're saying.

The CHAIRMAN. OK.

Mr. DONAHUE. The policy is the cover-up—in other words, not the documents themselves.

The CHAIRMAN. All right, well let me come back, then. If the policy is a cover-up, President Reagan came into office. President Reagan deserves credit for having raised this to a level of concern publicly that President Carter had never given it, and prior presidents had not given it. Accurate?

Mr. SAMPLEY. I disagree.

Mr. DONAHUE. I don't know if that's accurate. I would disagree for factual reasons. He called it the highest national priority, and then let it die.

The CHAIRMAN. I believe President Reagan authorized a rescue mission, did he not?

Mr. DONAHUE. The Nomarat Raid—I don't know if he personally authorized it, but the Nomarat Raid took place, and I hope you all would review the intelligence behind it.

The CHAIRMAN. We are going to review the intelligence behind it. But what I am trying to get at is, I am having trouble understanding.

I mean let me tell you what I cannot understand—I can understand what happened in 1973 and 1974. I do not understand it in terms of liking it or approving of it, or being comfortable with it. But I can take it in as something that could have happened—that we were in a rush to sever the ties, and we wanted to get out, and we were pulling back.

It was unpopular. The agreements were made. Watergate was going on. The President's power was slipping. There were a lot of reasons that things could move that way. I can sort of intellectually and emotionally lock in to what might have happened in terms of the terrible process of ignoring some realities for inadvertent reasons, and overt reasons.

What happens, though, that would make President Reagan continue the cover-up—if there was one, begun by prior presidents, and officials? Why would he raise to a level of public consciousness, this issue, and make a commitment of it, and make a public political issue of it? And then, at the same time, want to be party to somebody else's deception? Why would he not be happier showing that others, in fact, had participated in this, but he was going to be the person to bring them home?

Mr. DONAHUE. Because I think he was convinced by the career bureaucracy, which has been involved in the issue, that the consequences for doing so was too high; that the consequences for the morale of the Armed Forces, our national honor, our integrity were so great, that even he made the speech—those who may still be serving—and I'm quoting him—at the Memorial up in Arlington, and everything else—those who may still be serving, I take that to mean we consciously, deliberately leave them behind. They are serving their country. We choose to let them serve in captivity, rather than bring them back, because the consequences for this country of bringing them back are entirely too disruptive.

By this time the process had snowballed. Don't forget, it's the United States who had declared all the United States POW's dead. It was not the Vietnamese or the Laotians.

The CHAIRMAN. Now, you said to us, we should negotiate, correct, for their return?

Mr. DONAHUE. I said you have all the levers to do so, Senator.

The CHAIRMAN. First of all, let me say to you, that I believe there is an out for the Vietnamese if somebody is alive. Most people have stuck to the notion that the government might not have a rationale for holding them, they might not be in government control. And they, themselves, have articulated the possibility.

Maybe somebody out there in the mountain area, or in the Laotian border or something, might have had an ability to hold somebody without our knowing it, as a Government, but that they, themselves, were not holding somebody. So there is a window. There is an ability to find people who are in the hands of people not in their control.

But now, when I have gone over there, and I have met now, on three occasions, with their officials, and twice over there. On each occasion, I have gone aside, late at night—I think I have had a pretty good relationship with Foreign Minister Tach. I have said to him look, is there any way for us to create, to break this impasse? Is there any way to create—is there something you want? Does somebody control these people, and is there a way?

I think others have tried that—sort of opening this door, as you say, to negotiation. Now, with all the dues, sort of homage to the sensitivities of how you do it, and not allowing anybody to be held accountable, and saving face—all of that—and the answer is, Senator, I would like to. But there ain't nobody. I cannot negotiate with you and have a secret return of somebody who does not exist.

Now, countless people, I think have tried that approach. But you run into this stone door. So when you say negotiate, how do you do that?

Mr. DONAHUE. You send over the Secretary of State with a mandate from the President, if this is the highest national priority, that is what it requires. And he has the lever of aid, trade, diplomatic, commercial—whatever relations. And you say, Mr. Baker, use those levers and negotiate. The Vietnamese are telling you that is what they want. You are completely powerless to negotiate.

The CHAIRMAN. But what if they say to Secretary Baker, Mr. Secretary, we do not have anybody, but we sure want the relationship. What do you do then? Do you go on and on?

Mr. DONAHUE. I think you have co-opted that process by encouraging normalization of relations without pre-condition.

The CHAIRMAN. Let me be very clear.

No one, no one that I know of has suggested normalization without this issue being resolved. That has been said again and again in this hearing.

Mr. DONAHUE. How about pre-conditions, Senator? Why don't you encourage two things: one, the declassification of the roadmap; and two, the sending over of Secretary Baker.

The CHAIRMAN. Well, let me say with respect to the declassification of the roadmap. I am a little puzzled. I serve on the Foreign Relations Committee. I have worked a lot with Dick Solomon on this. I have talked to the Vietnamese about it, and so forth. I do not have a sense that it is classified.

Mr. DONAHUE. Sure it is, absolutely. Messrs. Quinn and Ford confirmed to me that it was. An American citizen cannot see the roadmap.

The CHAIRMAN. The conditions in the roadmap, as I understand it, concern, first, the Cambodia Peace Accords. And the second piece of the roadmap is POW/MIA.

Mr. DONAHUE. And subsequently, full commercial relations and normalization.

The CHAIRMAN. And the comment was that the pace and scope of the normalization process will be affected by cooperation on POW/MIA, correct?

Mr. DONAHUE. I think that.

The CHAIRMAN. Which means, I take it, that you cannot normalize unless you are moving down the road on POW/MIA.

Mr. SAMPLEY. They also said it was U.S. Government.

Mr. DONAHUE. You and I disagree on not the ends, we disagree on the means. The means are pure judgment call within the bowels of the Defense Department and the State Department as to what is progress.

I would like to know what the benchmarks are, and what the criteria are. Indeed, I think that is pretty much the realm of this Committee, to figure out what is going on with the roadmap, and request the White House to hold off normalization until——

The CHAIRMAN. So what you are saying is, because you do not understand exactly, in a very spelled-out fashion what the expectations are on POW/MIA, that you are saying, therefore, that the roadmap is secret?

Mr. DONAHUE. Well, we have been told it is classified, Senator—that the roadmap is classified. I cannot see the criteria. The American public cannot see the criteria. I guess you could if you subpoenaed it or something like that.

But that to me is not an acceptable standard in the sense that I believe that normalization is condition-precedent on full accounting by criteria this Committee establishes for accounting of prisoners and missing in Southeast Asia, with a roadmap ahead of this Committee. You have the cart before the horse. Indeed, if the roadmap goes through, and we normalize, indeed, we give full commercial and diplomatic relations to the POW's—I mean to the Vietnamese and Laotians—the POW's are dead. Period, full stop.

Let me make the observation that for years the Laotians and Vietnamese have been telling me and telling the United States public and telling the Government that they do not have the money or the manpower to search the remote provinces for missing Americans. What they are really saying is look. Give us the aid, trade, diplomatic recognition that you promised us. Voila! Look what we found in the jungle out there in the remote provinces. There will be a great healing, but to—as I say—co-opt that process, by giving the Vietnamese and Laotians everything they want for some undefined progress is unfathomable to me. That is putting the nail in the coffin of the live POW's.

The CHAIRMAN. I have gone over my time. It is unfair to my colleagues here. In fact, let me stop and not go over my time anymore. I will yield my next round.

Go ahead.

Senator SMITH. Thank you, Mr. Chairman. Did you want to respond to a question?

Mr. DONAHUE. Yes, I will take the next question, and I would like to say 30 seconds about the nature of the cover-up, which I believe is in the policy, and is why we are operating on two levels here.

I think the cover-up is embodied in the policy, as we briefly stated. The U.S. Government says the POW/MIA issue is humanitarian and not economic. Baloney. Fundamentally, it is economic. It has always been economic. All you have to do is look at the testimony before the U.S. Congress of the Senators and Congressmen who went over to Vietnam in the 1970's after the war, and were unequivocally told by the Vietnamese that the two issues were linked, period, full stop. It's in the record.

The second component of the cover-up in policy is that the answers to the MIA/POW issue are in Hanoi, not Washington—well, it was Washington that sent my brother over to serve, it was Washington that abandoned him, and it is Washington that is keeping him there—dead or alive.

It is not anything else. It is Washington. My God, if I read in the newspapers or see on T.V. the issue of abandoned children in this country—we all see it—our worst emotions come up. The penalties are great for that. It is a heinous crime.

But what about abandoned servicemen left behind, knowingly and deliberately by their Government? There is abandonment going on here, and so the answers aren't in Hanoi. The answer is in Washington. Someone will be accountable for them.

We keep talking about an accounting for them, but nobody is accountable for them. I hope this Committee will change that.

The next element of the cover-up is well, when somebody brings up this live group or proof of a live POW, we will move heaven and earth to bring them home. That's fraudulent on two points, because it shifts the burden of proof to me, instead of the CIA which has all the data; and two, who is Donald G. Carr? He is not chopped liver. The proof is there.

Finally—or next-to-last—we have more intelligence resources than ever dedicated to this issue—classic, Executive Branch approach: let's put more bureaucrats in there; let's put up an office in Hanoi. I hope nobody on the Committee thinks that the U.S. servicemen walking through the jungles of Vietnam and Laos at the invitation of the Laotians and Vietnamese—I hope nobody thinks they are actually going to walk into an American prisoner. That's ludicrous. That would be an international incident of the highest order. It's not going to happen.

Senator McCain. If they are allowed to do so then I have every expectation, Mr. Donahue.

Mr. Donahue. If they're allowed to do so, as in resolution of the issue, Senator—and finally, we have looked into our files. And we can't find any proof of any live POW's.

I don't know if anybody is aware, but the CIA doesn't serve on the inter-agency commission. The CIA data is classified, and the war in Laos was a secret war. Is anybody on this Committee going to go to the CIA and subpoena their data and bring it out of the woodwork? I mean, until we do all of the research?

Senator Smith. We intend to see that data. We hope we will not have to subpoena it. We will also be reviewing the so-called secret war.

Mr. Donahue. But you see, the elements, the bullet elements I gave you as to the nature of the cover-up, to me it's in the policy. Because it completely obviates your responsibility and accountability for the Government of the United States. It's humanitarian, not economic. The answers are in Hanoi, not Washington. When somebody brings us proof, we will do something about it. We have more intelligence resources than ever assigned to this issue. We have looked into our files and we can't find any evidence. Boy, if that isn't the ultimate cowardice and the ultimate obfuscation—deceit and deception—I don't know what it is.

I just hope and pray that this Committee is going to intervene in the process, fellow chairmen, and set the record straight and get the process moving. But to stick with the roadmap, which is a giveaway, rather than the levers that we have to pull, wow. I mean then we have truly abandoned the men.

Senator Smith. Let me respond.

Speaking somewhat as a Committee, but also personally regarding the roadmap, I believe that every Member of this Committee—some with different variations on it—but I believe every Member of this Committee believes that the issue of the POW/MIA should be resolved before any normalization. I do, and I will speak for myself on that point.

Mr. Donahue. However, would you request the White House to defer the roadmap?

Senator Smith. Yes, I have discussed this with officials in the Administration in terms of my belief that it is very important that the Vietnamese understand very specifically—no vague generalities—very specifically, exactly what the roadmap is, and that there is a roadblock on the map. And that is POW's and MIA's. I have expressed that very clearly. I cannot speak for the Secretary of State. I hope that he believes that. I think that the intention here is to account for these people before any normalization. However, things can happen. Things get obfuscated, confused. But from our perspective, that is where I am coming from. I intend to fight for that.

However, beyond that, the scope of this Committee really is more investigative than into the policy end of it—although we may make recommendations on policy. I just want to make a comment and ask a couple of questions.

First of all, I do not know if it was said on the record—and I came in a little late, and I apologize—but I think it should be stated for the record, at least from this Senator, that no greater love could ever be expressed by any human being than what you have expressed, and what you have done over the past 23 years, as you have searched for your brother. I know, wherever he is, he appreciates it. And in a very strange way that I have never shared with anyone, really, I came across your story—although I knew about it to some extent—in the second trip that I made to Vietnam on this issue, when the flight attendant, your former wife, asked me—then Congressman Smith—she said nice things about you—Congressman Smith, where are you going? And I told her. And she said, well, I'm Jeff Donahue's former wife. And I can tell you that he is committed to the issue, which is one of the reasons why I am his former wife. [Laughter.]

Senator SMITH. I say that with respect, and she said it with respect. I think she has respect for you. But this is very difficult. My father died in 1945 after combat service as a naval aviator in World War II. He died in a freak airplane crash in the Chesapeake Bay. I did not know what happened to him for 22 years—not because the Government held anything, but because my mother did not choose to look. And she would not let me look. But I did, after I got back, after I got to Washington as a congressman. I could have done it before, but I chose to do it then. I found out the truth. It was not pleasant, but I found it out. But at least I found out.

So although I do not have a missing relative in Vietnam, I think that I have some appreciation for what you have gone through—not enough to really understand it—but a little bit. I know that you have done a great deal of personal investigation. I think I would just like your editorial comment, if you will. I would like to make my own, and then ask for yours.

And that is, no matter what one feels about what you have done, or whether I agree with you or disagree with you, or whether I agree or disagree with your conclusions, the truth of the matter is that you, as a family member, should not have had to do what you did over the past 23 years.

It should have been done by our Government. If you can get into Laos—how many times?

Mr. DONAHUE. Laos, once this year, I am going again in January; twice last year.

Senator SMITH. How many times in your lifetime?

Mr. DONAHUE. I was also invited to Hanoi in 1976.

Senator SMITH. The point is that I think others who are in charge of working the issue, could have gotten in there with a little more effort, but that is history. We have heard a lot of mea culpas expressed by a lot of people. And we accept those. But we want to move on to find answers. That is the purpose of this Committee.

I would just like you—and I assure you that that is the focus of this Committee, live American prisoners of war, we have our differences. And we have gotten a lot of different testimony, but our goal is live American prisoners. As others have said, we assume that there are. That is what we are working on. Everything else is secondary.

What did you—in your private meetings with the number of meetings you have had with various Lao officials, specifically, what have they told you about prisoners of war, in general, and about your brother, specifically—if you have such information—or what haven't they told you maybe would be better.

Mr. DONAHUE. Well, in meeting with Laos—and I cannot compromise who they are, but all the way through the ministerial level, because I have been doing this for years, Senator, and I have developed contacts that various congressmen and senators are still trying to establish. I enjoyed reading about Mr. Murkowski trying to find one. But I have been told that POW's in Laos are in three categories: the first category, and this must be the universal sign—they go like this——

[Indicating.]

Mr. DONAHUE. —which I would take to mean POW's who are non compos mentis—they have sort of cracked under the circumstances, and they are just living as essentially meeker people there.

Senator REID. What was that again?

Mr. DONAHUE. Crazy, just crazies. And the second category is—to use the Laotian words—POW's like Laotians, they are now Laotians. We have many sighting reports of my brother and other servicemen, where my brother is reported to be married and living with two children now in a camp, but fishing, farming, tending water buffalo, things of this nature.

Then the third category is, they say, the camps in the North. And they clam up. I would take that to mean the provinces of Laos along the Chinese border and things of this nature, which are even off limits to senior Lao officials, unless the entire Council of Ministers votes approval, so to speak, for them to go. I can't crack that nut. But I'm sure as hell trying.

Senator SMITH. My time has expired. I just want to ask two quick questions: one, has any Lao government official, or any Lao that you felt had knowledge, ever said to you—admitted to you in any way, that they had American prisoners, number one; and the second question is, have you ever, in your trips over there, seen any testimony or evidence to the fact that the Soviets may have had some control over American prisoners in Laos after 1973?

Mr. DONAHUE. To the first question, yes—exactly in the context I said. And the second question, no. I don't have any information on Soviet presence. But I have never specifically pursued that line with the Laotians.

Senator SMITH. Thank you.

The CHAIRMAN. Senator Reid.

Senator REID. Can we have that package of live-sighting reports of your brother?

Mr. DONAHUE. Yes, and I would like to mention one, if I may, right at the top, if I can read from it—I also have information about live prisoner of war named Jefferson Donahue—that is a phonetic spelling—date of birth, airplane number. And it gives the aircraft number, and it gives my parents' zip code in Florida, instead of the aircraft number. How did this guy in the jungles of Laos ever get my parents' zip code number?

Senator REID. Where did you get that?

Mr. DONAHUE. This was a live-sighting report, provided classified. This is the de-classified version provided by the Defense Department. He says, since my English is not yet very good, you can call my English teacher who helped me write this letter. Her name is, her phone, her address is—and of course, all of that is whited out. I cannot even talk to this Laotian.

Senator REID. What is the date of that?

Mr. DONAHUE. This is April 20, 1987 and I have sighting reports here which I will give you, as recently as 1991.

Senator REID. That whole pack relates only to your brother?

Mr. DONAHUE. Well, it has other names in it.

Senator REID. But each one, in some way, mentions your brother?

Mr. DONAHUE. Yes, sir, and there are other correspondences.

Senator REID. And the Committee has that now?

Mr. DONAHUE. I am not sure if I have submitted this. I haven't submitted this entire pack, because I just got it from my father. The Committee has some of it.

Senator REID. Could I ask, Mr. Chairman, that be made a part of the record?

The CHAIRMAN. Will you submit each of those to us? We will be getting all of them anyway, but would you submit those so we have them as a back-check to what we are going to get?

[See pps. 211–289 of the appendix.]

Mr. DONAHUE. Yes, sir, but at the same time I could appeal to you, if you could impose upon the U.S. Government to let me have the name of this Laotian so I could speak to him, since he claims to have been with my brother? The Government won't even give me the name of the English teacher who translated it for him—how tragic—which, to me, is part of the cover-up.

You know, until the American public sees honesty on the issue——

Senator REID. Mr. Donahue, I am running out of time. You have already told us how you feel.

Mr. Sampley, why do you think your reward offers have not produced any live Americans?

Mr. SAMPLEY. Information that has come back to us is that when either any of the indigenous folks—either the Lao, the Cambodians, or the Vietnamese—when they make inquiries about the reward, they think—and I believe Colonel Bui Tin said that earlier—they think that it's official Government reward. They go to these folks, these folks over here. The U.S. Government representatives tell them we don't offer rewards. We don't pay it. There is no such thing. And so the reward is stifled at that level.

What I don't understand, if a U.S. Congressman, which they have done, offers a reward that is costing the U.S. Government nothing—if the Charlotte Motor Speedway of Charlotte, NC offers a reward, what is wrong with paying it, if it's not U.S. Government money? Why does the U.S. Government shoot it down? And more importantly, if there are no living prisoners of war over there, why worry about a reward, want to say anything?

Senator REID. Mr. Sampley, it is my understanding from your testimony—it is my understanding from your testimony that you are not willing to share the data you have with the Government.

Mr. Sampley. What data?

Senator Reid. The data that you have that indicates there are live, POW's.

Mr. Sampley. Everything that I have—sure, I mean I have five, six, seven filing cabinets full of files that Mr. Usury and Dan Parrin came and stayed a week in Kinston. They went through it. You can have the keys to my files.

Senator Reid. As Chairman Kerry mentioned, our obligation is to make sure that we do not leave a stone uncovered.

Mr. Sampley. I appreciate that.

Senator Reid. That is why we are here at this time of night listening to everything that you want to say, and everything that Mr. Donahue wants to say, because I think we are all proceeding on this Committee as if there are live Americans in Southeast Asia.

If we are not proceeding on that basis, then we have a pretty ill-conceived result, and we cannot do that. The testimony that we have heard to this point indicates that it is 20 years later. If there are live POW's there, it is going to be—I do not want to use a miracle, but it will be—it will be very exciting if we find that there are live Americans.

So I hope that as you have indicated, you will supply whatever evidence you have with the Committee, and Mr. Donahue has indicated these live sightings and other information that he has, that he will share with us. Is that right?

Mr. Donahue. Yes, sir.

Senator Reid. I would hope that you will not treat us with the scorn that you have treated what has gone on before.

Mr. Sampley. Senator, up until this date to this Committee, I wouldn't give anything to the U.S. Government, period. Because when you give it to them, it disappears. Then you're called a name of some sort, sooner or later. At one point, I did give a document. I had quite a bit of association with Robert Garwood at one time. I brought him down to North Carolina and he worked for me for a while. And he was in Kinston for some time. I talked him into drawing a map to exactly where he buried Captain Eisenbrough, who died in captivity. He drew the camp. He drew the exact location. He gave the camp name and number, and he drew the exact location where Captain Eisenbrough is buried. I turned it over to the U.S. Government. But before I did, I turned it over to the Kinston Free Press. They printed it, and did a little story on it, so there is a record of it.

To this day, I have heard absolutely nothing back. They give no information in return. They don't like receiving it, and you have to cram it down their throat. Ms. Donna Long, sitting right here, when she was picked up by the Communists—or the Pathet Lao—for handing out the reward money, while she was in captivity, I believe it was Pak Se or somewhere in that general area—she saw what she believed was a black American. She saw him from where she was being held—she can tell you better than I can—on the second floor of a balcony. She waved at him. He waved back. And she spoke to her guards, and she said who is that? In my testimony, I said it's Mr. Allen, but I believe the guard said it's Mr. Allison. The problem is, she begged the State Department to debrief her. They would not debrief her. They did not want to ask her anything. They made comic remarks about her, and so she went back to Jacksonville, NC, and demanded, through Congressman Martin Lancaster—which is a matter of record. Congressman Lancaster made sure that the State Department debriefed her.

Why did Donna Long have to demand to be debriefed?

Senator REID. My time is gone, but let me just say this—it has not been said yet, because they cannot say it, and I can—but not only do we, as Committee Members, want to get to the very bottom of this——

Mr. SAMPLEY. I believe you.

Senator REID. But we have Members who serve on this Committee that have given a great deal in Southeast Asia. The man seated next to me, as you are aware, spent 5½ years in a prisoner of war camp, under the most unpleasant conditions. The Chairman of the Committee is a highly decorated, Navy veteran also, from the conflict in Southeast Asia. And so these men—and there are other Members of this Committee who have military records over there—they have a very personal interest that I do not have.

Senator McCain, when we are talking about prisoners of war, he knows these people, the list of people that were with him. They had a network there. So this is something that we are going to do the best we can. I think it is important to you that you start cooperating. Because this is the same Government. We are going to do the best we can to get what the CIA has, and what the White House has, and do the best in the next year to get to the bottom of this.

Mr. SAMPLEY. Senator, I have been one of the biggest critics and most vocal critics of the U.S. Government policy as anyone. But I do see a pattern here, with this Committee, that makes me want to trust you. I do want to give you anything I have. Until I see something different happen, it's yours.

Senator SMITH. I think Senator McCain is up next.

Senator MCCAIN. Let me change the rules among the three of us here, a second, because we do not have a very long time. You interrupt me, and I will interrupt you. Because both of you, obviously, feel frustration for many years and want to get a lot out. But you interrupt me, and I will interrupt you. OK? We do not normally do this, but—and I thank you for your appreciation for the tough questions, Mr. Sampley. These look like CBU's to me, in fact they say on them CBU—on your pictures.

It says, Dispenser and Bomb Aircraft CBU.

Mr. SAMPLEY. I don't understand the point.

Senator MCCAIN. The point is, those are dropped off of airplanes.

Mr. SAMPLEY. What is that?

Senator MCCAIN. I think that's a temple bell.

Mr. SAMPLEY. What is it made from?

Senator MCCAIN. I do not know. I know they used to make cigarette lighters and cigarette cases out of crashed 105's.

Mr. SAMPLEY. But my point is, Senator, that that is an example of the salvage that is coming across the river out of Laos. Those folks are going out. And these guys will tell you they are going out with donkeys, or whatever they—you carry stuff out of the hills with. They are going through, just ravaging through these crash sites, and they have been doing it for years.

You go——

Senator McCain. But CBU's do not necessarily come from crash sites. CBU's are dropped off of airplanes.

Mr. Sampley. But that is just part of the salvage. That is what we took pictures of.

Senator McCain. The majority of these I could make out, are—as designated—dispenser and bomb aircraft CBU. You and I know it drops off the airplane a certain distance above the ground.

Mr. Sampley. Are you implying that the Lao would go out and pick those things up but they won't take and trash a crash site and bring the metal out of an airplane?

Senator McCain. I am not asserting that. I am saying that what you have, what I have seen in these pictures, and all I can make out, is a CBU.

Mr. Sampley. I will agree with that.

Senator McCain. Mr. Donahue, real quick—I am in disagreement with Senator Smith. Because I believe that the roadmap does clearly state that there must be full cooperation from the Vietnamese. By the way, I understand we got the roadmap in a very roundabout way. I agree with you, it should be made public to you and all of the American people—if, indeed, it says that, as I believe. I think the Chairman agrees, even though Senator Smith does not. If it does say that, that full cooperation must be extended, then do you still have a problem?

Mr. Donahue. Yes, sir, absolutely—I love cooperation, but all of this is entirely unnecessary. I think, in the context of what it would take to resolve the issue——

Senator McCain. What does it take to resolve the issue other than full cooperation?

Mr. Donahue. It takes Jim Baker getting on a plane to Hanoi and Vientiane, and using the levers of aid, trade, commercial relations and diplomatic relations.

Senator McCain. That's what Soloman did when he met with the Vietnamese Foreign Minister in New York?

Mr. Donahue. No, it was not conducted at that level with a mandate from the President of the United States, and the endorsement of the inner-circle——

Senator McCain. The roadmap clearly says that if the issue is resolve, then all aid, trade, et cetera—they have already done that.

Mr. Donahue. But the steps along the way, Senator, are judgmental lodged in the Defense Department and the State Department. And I have had nothing but 23 years of deceit and obfuscation from them.

Senator McCain. Mr. Donahue, you certainly do not believe that if there is no cooperation and a resolution of this issue, that the Congress would support such a thing?

Mr. Donahue. Well, you know, it seems—a lot of things coming out of the Senate these days, calling for normalization of relations to Vietnam, without what I would consider something the American public is entitled to, which are the criteria and the elements of progress along the way. So why is the roadmap classified?

Senator McCain. As you know, we have resisted that. I do not believe that the majority of the Congress would support such——

Mr. Donahue. Can I make one comment to you, Senator McCain—just a brief one—the subject of Laos and POW/MIA intelligence and everything else—here I will give this to the Committee, indeed, I have already supplied it, which is CIA document Mao Lao Hoc Sat, which, you know, is the Lao patriotic front—Weekly Bulletin Containing photographs and details of American prisoners captured by the Pathet Lao.

And, of course, that's all I'm allowed to see.

Senator McCain. And as you also know, Mr. Donahue, we did put an amendment on the Defense Authorization Bill—you heard it mentioned earlier—that all of this information must be made available to the American people—with the exception by a request from the next-of-kin that they not——

Mr. Donahue. They don't do it.

Senator McCain. What's that?

Mr. Sampley. They don't share the information.

Senator McCain. It is in the bill. It has not been implemented.

Mr. Sampley. Wasn't there a House bill?

Senator McCain. It was never enacted into law, and we are seeking to have that happen. If this authorization bill passes, it will be—and I will be very interested in your comments to the degree of their compliance—but you see, I am doing all the interrupting. You go ahead and interrupt.

Mr. Sampley. What I don't understand for years, I have been pounded and hit at by people saying hey, the problem is not in front of the White House. Why are you chaining yourself to the White House fence? The problem is in Hanoi. OK, we are saying we've got Hanoi where we want them right now. Why do you want to let them up? They do not have the Soviets to lean on anymore.

Let's don't let them up until they give it up.

Senator McCain. We do not want to let up until they give it up. I think we are in a bit of a semantical problem here, Mr. Donahue. Because I think when we say the answer is in Hanoi, there are no Americans being held captive in Washington, DC, or in the United States of America. So what we are saying here, I think, is that when the answer is in Hanoi, that we need their cooperation and their forthcoming and their allowing us, for example, to go somewhere on a moment's notice—say if you land and you are in Vientiane, and you think your brother is somewhere in the southern part of the country, and you have a helicopter, you ought to be able to go there immediately and not 24 hours, not 48 hours, et cetera.

That is the kind of compliance that I think you and I are talking about. So when we say the answer is in Vientiane or Phnom Penh, we are saying that the full cooperation and the full disclosure of our archives, et cetera, is where the answer is. But I understand, the reason why I say semantic problem is that I see what you mean also. That "the problem is in Washington."

Mr. Sampley. If I could make a suggestion——

Mr. Donahue. Let me interrupt you—I just wish to provide the inducement, which is the levers of aid, trade, and diplomatic recognition, giving the Vietnamese a face-saving way of giving the guys back. We haven't been doing that at the highest level of Government.

We have been doing it between generals who are retired from military; sergeants and colonels going over——

Senator McCain. Now he wants to interrupt.

Mr. Donahue. —the Secretary of State or the President need to do it. That's what is a highest national priority.

Mr. Sampley. I would like to make a suggestion——

The Chairman. I just want to interrupt for the whole Committee, because I need to try to keep this on a process here.

Senator Kassebaum. I would be only happy to yield my time to anybody who wants it——

Senator McCain. I would just like to ask if you had finished—my point is that we may have a semantical problem here which may, I hope, in my vision of what the roadmap means, and maybe I am wrong. But my vision of what the roadmap means is we obtain exactly what you are seeking.

The Chairman. It may well be that you have articulated a way for the Administration to short-cut a lot of the folderol. And if Secretary Baker can achieve some kind of breakthrough in terms of this process that satisfies full cooperation, it may be that everybody's interest will be served.

Senator McCain. I thank both of you for your efforts.

Mr. Sampley. Senator, let me try to get this in—and please bear with me for just right quick—this testimony that I brought up, I didn't bring it up just to dig at wounds or to hit at people in the U.S. Government. It's still going on.

But I would like to suggest that as long as this Committee is in session, and doing this investigation, that if we can do it through legislation or through the Executive Body that we pledge absolute amnesty to the Vietnamese, to any American official, to anyone involved in the POW issue about the POW issue, that they can do or say, let out any amount of information they would like, and that it would not be held against them. Let's get this information out there. Let's get these people home. Then go on about the business of normalizing, et cetera—just an absolutely amnesty plan for everybody.

The Chairman. That is an interesting idea that has, in fact, been discussed, and I think is under consideration in terms of some formulation. But it is not a bad idea.

Senator Kassebaum, do you have any questions?

Senator Kassebaum. No, thank you, Mr. Chairman.

The Chairman. Let me just say, as we wrap up this panel, Mr. Donahue, you are a very articulate spokesperson for what you have lived through and what you have observed. I just want to tell you that I am impressed by your capacity to articulate it. And I think you have a lot to say, and have said it well, and represented that point of view very well, clearly. There is a lot of substance to what you have said. I take it at face value. I know it, from having studied this and listened to it and so forth.

I think it is a question of how one kind of works through some of the—as Senator McCain says—semantical differences, nuances. But the bottom line is very real. I think we hear you very clearly, and I understand what you are saying.

We want your information. We need your information. This is—as I have said before, and I keep repeating—scratching the surface.

So I hope you will work with us in an effort to guarantee that we do, as you say, intercede correctly, and not insensitively and stupidly as we go along here.

Senator Brown, did you have anything more?

Senator Brown. No thank you, Mr. Chairman.

The Chairman. Gentlemen, we will excuse this panel, and thank you very much for appearing here today.

Finally, I would like to ask all the members of the photographic panel, each of the families, if you would come forward please to testify? And Colonel Bailey, we will lead off with you. As this panel takes its place, let me tell you what we are going to do schedulewise here.

Because of the length of these hearings, each day we have been going from about 9:00, 9:30, 10:00 in the morning until 6:00, 7:00 at night. It really makes more sense for the Committee to proceed with the two remaining portions at a separate hearing—Department of Defense has made it very clear to me that they are prepared to go forward today. And they are ready.

It is our choice, as a Committee, to defer them, not their choice. But I think it will be better if we do defer their presentation, because it will give Members a better chance to prepare some questions, and even to submit some to them that we would like to have them address when they do respond to the various criticisms that have been made. And finally, the same with Mr. Usury's return, that was requested earlier today. It will give us a chance to review some of that document and to prepare for that.

So I think both of those items will be rescheduled. We will announce publicly when that will take place. We will try to do it next week, if possible. And if not, it will be before we recess. I assure you of that.

Could I ask if all of you would dislocate for a moment? I apologize for your getting seated and comfortable. But if you would stand, so that we could swear you in?

[Witnesses sworn.]

The Chairman. Colonel Bailey, I know you have a plane to catch, and we appreciate that. So we are going to lead off with you if we can, and then proceed through the families.

EVENING SESSION

The Committee continued at 4:45 p.m., in room SH–216, Hart Senate Office Building, Hon. John F. Kerry (Chairman of the Committee), presiding.

The CHAIRMAN. Identify yourself for the record and proceed with your openings.

And may I ask each of you if you could keep your comments to, is it an imposition to ask you for 5 minutes? Then we will draw more out in the questions. If it is, I want to be fair, and again, I will give you more time. But if you could try to stick to 5 minutes, I think that would be appreciated.

Is that difficult, Mrs. Fleckenstein?

Mrs. FLECKENSTEIN. No, I think I can pretty much do it.

The CHAIRMAN. If you can do it, that would be fine.

Senator SMITH. Mr. Chairman, can I just do a housekeeping thing while you are waiting?

Senator Mack has asked me to enter into the record a statement by him dated today. I would ask unanimous consent to do that.

The CHAIRMAN. Without objection, so ordered.

Senator SMITH. And also a written statement for the record of a Karen S. Miller regarding Maj. Donald Carr and a written statement for the record of Matthew W. Carr regarding Maj. Donald Carr.

The CHAIRMAN. Without objection. All of those statements will be placed in the record.

[The prepared statements of Senator Mack, Ms. Miller, and Mr. Carr follow:]

PREPARED STATEMENT OF SENATOR CONNIE MACK

Mr. Chairman, I am pleased to be an original co-sponsor of S. Res. 82, which established the Senate Select Committee on POW/MIA Affairs. In the past, numerous Senate committees have been involved in this issue. It is my sincere hope that the establishment of Senate Select Committee on POW/MIA Affairs will provide the coordinated process by which the Senate can review and assess the methodology and operations of the POW/MIA Division of the Defense Intelligence Agency to thoroughly investigate the case of Capt. Donald Carr, as well as other live-sighting reports.

I would further like to commend the Chairman and Ranking Member for the diligent work they have performed in setting the rules and agenda for the Committee in a timely manner. Today, the Committee will examine the POW/MIA Investigation Policy and Process. The witness list for today's hearing is impressive indeed.

Since this Committee was established, I have been in contact with the Members about recently publicized photographs which have surfaced involving U.S. Army Capt. Donald Carr. These stunning photographs were allegedly, and I use that word in the most positive sense, taken in February 1990, in Laos and smuggled out. Members of the Committee will have the opportunity to see these photographs today during Col. Jack Bailey's testimony. I strongly urge the Members to listen very carefully to Colonel Bailey's chronology of how he obtained these photographs.

Take his words seriously—the Department of Defense does. In an article from the September 20, 1991 Fort Myers Florida News-Press, Carl Ford, the Acting Assistant Secretary for International Security Affairs said, and I quote, "This (the photographs) is going at the top of our investigative list. Of all the photographs we have received, it is quite striking." This same article indicates that Pentagon officials believe the picture is no more than 18 months old.

Captain Carr's stepmother, Marie Barzen, lives in Fort Myers, Florida. The heartache and anguish she has been through since these photographs surfaced cannot be adequately expressed by me. My thoughts and prayers are with her this morning, as they have been since the day Colonel Bailey brought the photographs to my office.

I again urge the Members of the Senate Select Committee on POW/MIA Affairs to listen attentively to Colonel Bailey. It horrifies me to think that any American is still being held against their will in lands abroad. When data surfaces which is as strong as that involved in the Carr sighting, it deserves the immediate and exhaustive attention of the U.S. Senate.

I thank the Chairman.

Prepared Statement of Karen S. Miller

Mr. Chairman, Mr. Vice Chairman and Committee Members: I come before you today in search of answers that I believe this distinguished body has the power to resolve.

The Vietnam War is often referred to as the 10 Year War. For the families, and those still held in captivity, the Vietnam War is now entering its 28th year. For too long a time, the mystery of my cousin, Maj. Donald Gene "Butch" Carr's status as a Prisoner Of War in Southeast Asia has been shrouded in secrecy under the guise of the National Security Act. Over 1,400 live-sighting reports have been turned over to various government agencies throughout the evolution of the Southeast Asia POW/MIA calamity. In all but under 200 cases, these reports have been disproved through one means or another, yet these reports remain classified government documents, again, under the guise of National Security. I am not here to debate the fact or fiction behind these refuted reports; I am here to find out what my government knows about Major Carr, and why our family has been kept in the dark so long.

Our family and the families of all the POW/MIA's are supposedly represented here in Washington by the Congressionally Charted "League Of Families". This organization, which receives over ONE HALF MILLION FEDERALLY FUNDED DOLLARS annually, whose members travel at Government expense to their annual meetings, has not been able to raise a quorum in 5 years. THIS IS MY REPRESENTATION?????. THIS IS MY FAMILY SUPPORT????? I am here to represent myself, and I will seek support from those who are ready and more than willing to give it.

This Nation's NUMBER ONE PRIORITY, THE POW/MIA ISSUE, is now passing through its third administration. The position of the Government has changed from "There are no live Americans being held against their will in Southeast Asia"; to "We can not rule out the possibility that there may be live Americans being held against their will in Southeast Asia; yet, after some EIGHTEEN YEARS, all our Government has managed to bring home is somewhere in the neighborhood of 315 sets of remains, and even some of those are questionable. Nothing has come from Laos, a Country where roughly 600 Americans were lost. At least the animal or Asian bone gimmick wasn't tried on those unfortunate families, one of which is mine.

The Soviet Union has finally admitted that it executed 9,000 Polish Prisoners in World War II. Will our Government have to admit that it was responsible for the loss of an untold number of American Servicemen by burying them along with the issue, through the endless formations of committees, until the men are all dead???? Or will this Committee not buckle under political pressure and once and for all, RESOLVE THIS ISSUE THROUGH THE RETURN OF ALL RECOVERABLE REMAINS AND THE REPATRIATION OF THOSE WE LEFT BEHIND??????

I said in the beginning of this testimony that I seek the answers to a few questions. The first is, WHERE IS MAJ. DONALD GENE "BUTCH" CARR???? Second, WHEN WILL YOU BRING HIM HOME???? Third, WHY IS IT TAKING SO LONG????

I ask you to consider all of the background information available: years of classified documents, eye witness accounts, activist's and family testimony. Please do not dismiss this information because it is contrary to present political policy. I ask you to be open minded and courageous, responding positively to the truth regardless of what agencies or political positions may be involved. This is not the time to assess for past injustices, but the time to remedy them. Return our men the freedom they risked—and lost—for their Country. Return them to the land of their birth. RETURN AMERICA'S HEROS TO AMERICA where they may spend their remaining years in the land they fought to defend.

Department of the Army,
Washington, DC 20314,
September 23, 1971.

Mr. **Mathew W. Carr,**
5524 Wedge St.,
East Chicago, IN 46312.

Dear Mr. Carr: I am writing you concerning your brother, Capt. Donald C. Carr, who has been missing in Southeast Asia since 6 July 1971.

The report prepared by the board of officers who investigated the incident in which your brother became missing has been received. The report indicates that your brother was flying a visual reconnaissance mission over enemy held territory. The aircraft took off at 1:20 p.m., on 6 July 1971, with regular ground contact being maintained every 45 minutes. Last contact with the aircraft took place at 3:30 p.m. when Donald radioed that weather conditions were deteriorating.

A ground reconnaissance team reported hearing an impact or explosion at 4 p.m., in the vicinity where the aircraft very possibly could have been flying. They did not report sighting an aircraft, however. Rescue teams could not enter the area because of heavy enemy activity. All airfields where the aircraft could have landed were checked with negative results. Exhaustive aerial search efforts were conducted for several days afterwards with no results. Intensive search efforts are still being conducted in the area. Enclosed are copies of statements from the board report.

No report has been received indicating that Donald is a prisoner. The opposing forces do not abide by the terms of the Geneva Convention and do not furnish names of our personnel whom they have captured.

Inasmuch as your brother's status cannot be determined at this time, the Department of the Army is continuing him in a missing status while further efforts are made to obtain additional information concerning him. Under the provisions of the Missing Persons Act, a member who is missing may be continued in that status for a period of one year. If he is still missing after a year has elapsed, his case is reviewed at which time a decision is made as to whether there is any basis to assume that the missing person is still living. If he may reasonably be presumed to be living, his missing status is continued. If there is sufficient evidence available upon which to base a logical conclusion that the member is no longer alive, a pre-sumptive finding of death is issued, and all of his accounts are settled.

Inclosed is an information sheet which will be of interest to you. Your completion and return of the form concerning the release of your name and address would be appreciated.

My continued sympathy is with you in this time of anxiety and uncertainty.

Sincerely,

Verne L. Bowers,
Major General, USA,
The Adjutant General.

Department of the Army,
Washington, DC,
July 13, 1972.

Mr. **Mathew W. Carr,**
5524 Wedge St.,
East Chicago, IN 46312.

Dear Mr. Carr: This office has just completed a further review of the records pertaining to your brother, Capt. Donald G. Carr, as mentioned in the letter of 23 September 1971.

Under the provisions of the Missing Persons Act, a member may be carried on the rolls in a missing status as long as there is reasonable doubt as to whether he is living or deceased. The law further provides that a review and determination of his status shall be made after he has been in a missing status for one year. As a result of this review, an official determination has been made in Donald's case to continue him in a missing status.

Please believe that I share your concern, and earnestly hope for a favorable resolution to this distressing situation. I will notify you immediately of any change in Donald's status.

Sincerely,

Iverne L. Bowers,
Major General, USA,
The Adjutant General.

November 4, 1991.

The Hon. Pete J. Visclosky,
U.S. House of Representatives,
330 Cannon Building,
Washington, DC 20515.

Dear Congressman: Just a short note to inform you that I have written a letter to Maj. Charles Gittins USMC in relation to my status in my brother's case. Enclosed copies of information received while functioning as Primary Notification as designated by my brother Maj. Donald Gene Carr. I will be in contact with you if my letter is not successful in clearing up this situation of denial of access information or change of status.

Respectfully Submitted,

Mathew W. Carr.

October 31, 1991.

Maj. Charles W. Gittins, USMC,
Office of the Secretary of Defense,
International Security Affairs,
Room 4C839, The Pentagon,
Washington, DC 20301.

Dear Major Gittins: On the basis of our meeting last Thursday and not fully prepared to cover the areas discussed I am presenting you with copies of information that should clarify my position in my brother's case (Maj. Donald G. Carr).

1. Assignment of Assistance Officer
2. Four (4) Telegrams from Department of Army
3. Two (2) Letters from Verne L. Bowers, Major General U.S.A., The Adjutant General
4. Copy of my adoption papers
5. Copy of Major Carr's Divorce Degree

Upon reading and review of the above listed enclosures I believe that you will rectify current misleading applications. Twenty years is a long time, perhaps some of my terminology is now outdated i.e. Primary Notification, as designated by my brother. It was my responsibility to notify involved family members, Mother, Father and Son of his Missing status to M.I.A. and K.I.A. initiated by his former wife in March of 1976 (you have a copy of that Casualty Report) on behalf of their son Donald G. Carr Jr. Points 4 and 5 are presented to indicate legacy involved parties. According to my attorney the applications applied in July of 1971 are still in effect today.

My intent is to insure that my brother, because of his possible mental problem, the best possible care and therapy. I still feel that I can be an asset to the forthcoming search and as an involved civilian debunk any talk of the overused term of cover-up or lack of effort. I am willing to assume all my personal expenses. Do contact me if there is the slightest possibility of this happening and any provisions I must meet to make it fly.

To a Successful Venture,

Mathew W. Carr.

Dear Lil Brother: Well, it's been a week since you have been reported missing in action. One might wonder why I am writing a letter you may never read. It's like this, maybe I finally realized that it's alright for brothers to get sentimental over their lives together.

Since the news of your "missing in action," life has been one hell of tension, we all jump at the phone or knock at the door. My heart goes out to all those who have been suffering for months and even years with this situation.

Uncle Sam has provided us with a friend of yours as the "Survival Attendance Officer". You must be pretty important, they had two groups started on your case. When news first came, it was like a bad dream. I was hearing things being said; but they were not registering in my mind. Initially I was too busy assisting the Sargent, who gave us the first notification. Needless to say, Mom has taken the news very hard. We went and broke the news to Dad, he also was shocked but expressed confidence in your ability to survive. I also talked to Carol and assured her of your intentions toward your son Donny. Yes, Friday July 9, 1971 was a busy night for us all.

By now most of all our relatives and friends are aware of the situation. All have been great and sincerely hope for your safe return. The ironic thing is that you hardly find any front page news about the war anymore. As yourself said in one of your letters, the war seems to be ending. I want to tell you something I probably should have said before, I am very proud of what you are doing, the best way I can describe it is that you are a real "Pro".

I am sure you realize that you are no longer being hid by the shadow of what your big brother did. Many in our country do not appreciate the service and dedication of you and yours.

I hope you won't mind if I ramble around. Very often in life we take a lot of things for granted, there are times when a kind word or gesture would have made the day a little better. I think my writing this letter will enable me to better endure the passage of time till we receive news of you. All who know you have expressed confidence in you and that if humanly possible you will be OK.

I am writing this letter at 2 a.m., I went to sleep earlier however, the words you are reading were flowing through my mind. It is not intended to set any wrongs-right, however I do need someone to express my thoughts and feelings. I know I am expected to be a steadying influence here at home and I know I have been. This is very difficult to do when you finally realize something you have taken for granted may be taken away forever. Let's face it Lil Brother, we grew up together through many trying times. Though 8 years separated our age I feel there was a closeness that few had because of our shaky family life. It isn't easy to find words to express a feeling of compassion between two grown men. You must read between the lines and realize that those expressions are there.

Well I am going to draw this letter to a close; before I sign off I want you to know that all of us are hoping and praying for your safe return.

Big Brother

P.S. Keep your ass down.

Mr. TURNER. Mr. Chairman, I would ask, if I may, if you would allow me to follow Colonel Bailey with my statement? I will keep it within your limits, I believe, because it is related to his testimony, sir.

The CHAIRMAN. That is fine. I have no objection to that at all. Are you ready, Mr. Bailey?

Mr. BAILEY. Yes, sir.

The CHAIRMAN. Now are these set up so that everybody can see them on the Committee?

[Referring to photo display.]

STATEMENT OF JACK E. BAILEY, LIEUTENANT COLONEL, USAF (RETIRED)

Colonel BAILEY. Mr. Chairman, Members of this Committee——

The CHAIRMAN. Could you pull the mike a little closer? Thank you.

Colonel BAILEY. Mr. Chairman, Members of this Committee, I appreciate the opportunity to express my experiences and opinions about the conduct of the U.S. Government in the area of recovering American prisoners of war left behind in Southeast Asia.

This is a field in which I have had extensive experience. I have 26 years in the POW/MIA field. I served in the armed forces of this country during three wars. I flew 256 missions, combat missions, as a fighter pilot in the Vietnam War, during which time I became interested in the plight of aircrews shot down but not rescued.

After retirement from the Air Force I have dedicated my time and efforts toward the discovery of information about POW's who were left behind by the Government of this country almost 20 years ago to disengage with honor from the war in Southeast Asia they were unwilling or unable to win.

Since that time I have spent many years in Southeast Asia and I have cultivated hundreds of contacts with individuals who have given me intelligence concerning the fate of prisoners still being held by our former enemies. Some of that information was deliberately false, fabricated for the purpose of being sold for profit. Other intelligence is, in my opinion, inviolate and worthy of investigation by the governmental agencies supposedly created for that purpose.

In the past I have given valid information concerning POW's to appropriate governmental agencies. It is my belief that there was no investigation made in any of these cases. In the majority of instances, I have never received any sort of communications back from the agencies I had contacted, not even an acknowledgement that the information was received.

While there are numbers of cases worth discussing I will limit this statement to the facts of the case of Army Special Forces Capt. Donald Gene Carr, presently a matter of prime interest.

In 1989, I made contact with a source of information who indicated to me that he had contact with American prisoners of war being held in Laos. After numbers of meetings with this man, referred to as Mr. X, we devised a detailed operation to bring two American prisoners out of captivity and into friendly hands. A great deal of thought and coordination went into the creation of this plan involving the method of extraction, form of transportation, security, and the payment of a substantial amount of money from private sources for the delivery of those prisoners.

As a means of providing proof of the existence of these POW's, I sent Mr. X into Laos with a camera and articles of clothing. Mr. X gave the clothing to a prisoner and took this photograph, which most of you have seen. He returned the unexposed film to me. Among the pictures that resulted was one of a man we now know as Donald Gene Carr.

After receiving the film I didn't see him or hear from Mr. X again for almost 2 years and assumed that something had happened to him or had otherwise gone wrong to cause the plan to be compromised. It wasn't until last week that I discovered what the problem was.

Shortly after developing the Carr picture in 1990 I showed it to a senior DIA member of the American Embassy who I was informed was involved in POW/MIA affairs. I am aware of no action that was taken by the Government at that time.

After several months of investigation and a comparison with pictures given to us by family members we concluded that the man in the Laos picture was Special Forces Capt. Donald Gene Carr.

In July 1991, Judge Norman Turner, a former Air Force fighter pilot and I prepared a package of information concerning the Carr case. In conjunction with this I released the original negatives given to me by Mr. X to an investigator at the Senate Foreign Relations Committee who arranged to have scientific comparison of the photos made by forensic pathologist, Michael Charney, of Colorado State University. Dr. Charney also concluded that the man in the photo was Carr as did family members and men who has served with Carr.

The photographs were released publicly in July 1991. Within a week of that the Senate Select Committee was approved. At that time the Department of Defense became interested in the case and asked me to brief them on the Carr matter. Against the advice of a number of friends involved in this issue, I agreed to do so, although almost anyone who has dealt privately in searching for POW's distrusts the Government in general and the DIA in particular in this area.

I felt that I should make an effort to cooperate with the Government one more time. I did so with misgivings.

At this first Pentagon briefing in August I gave to the DIA my original negatives of the Carr matter except for those pictures showing the face of Mr. X, the man that took the picture. I did not release the true name of Mr. X. And when interrogated by DIA concerning the location at which the photographs were taken I indicated the site of a position that I had been informed was a POW holding location, but I did not give them the true location at that time because I was not confident in their motives.

I was invited back to brief Secretary of Defense Cheney in October 1991. Although I was still uncomfortable with the record of the DIA in the area of POW investigations. I decided to cooperate fully since I felt that there would be integrity at that level of Government. My feeling was that we had to trust somebody, that we had to work together.

In that briefing, therefore, I released all of the remaining information available to me at that time concerning the Carr case including the remaining original negatives and the names of Mr. X. At this time I indicated to Secretary Cheney the true position of the site at which I was informed Carr was held at the time the photograph was taken. I was informed that the DIA would cooperate with me and that I was to be considered part of the team.

I told Secretary Cheney and others present at the meeting that based on information I had received I thought that Mr. X would be in Bangkok by the time I returned to Southeast Asia the next week. I was asked on several occasions by DIA personnel if Mr. X would submit to a polygraph test. I told them that it would be up to him.

Within a few days after the briefing, even as I made plans for a return trip as part of the team, I learned that negative information was being released about me and the Carr case by someone within DOD. I was told that people from DOD were saying that the pictures were probably taken in Thailand and that I was not cooperating with them. I was also informed that the DIA was investigating the case by looking into the Bangkok Zoo. I don't know if that is true or not.

I am now informed that earlier this week Secretary Dick Cheney testified that I told members of the DOD that I didn't know where the Carr photos were taken and that they might have been taken in Bangkok or somewhere else. Apparently he also testified that I promised him I had a witness in Bangkok ready to talk to his people when they arrived there. Both of these statements are false.

It is true that I was not able to produce Mr. X in Bangkok during the week that the DOD was able to dedicate to this highest priority in the land. I tried to make contact, but I have to point out that we are not dealing with livestock or retail goods here. It took me many hard years in Southeast Asia to cultivate the level of trust necessary to obtain the evidence I have tried to present. Furthermore, people that are able to move across borders to obtain such information live and move in a shadow world at the edges of society.

The lines of communication in that part of the world are relatively primitive. The phone systems in Bangkok are approximately at the level of the United States in the 1950's. In the remote areas of Thailand they are almost non-existent. My primary method of communication into the up-country regions of Thailand consist of buying a bus ticket to a remote area and sending an agent there with an oral message and instructions to try and find a telephone to call back and answer.

Mr. Chairman, I find it appalling that after almost 20 years of inaction and only when it became apparent that members of the Defense Department would be compelled to testify before this Committee, interest has suddenly been stimulated to aggressively investigate a prisoner of war matter, in this instance, the Carr case.

During my latest trip to Thailand during which I was part of the team, according to Mr. Cheney, there was no question that a sense of urgency existed in the minds of those DOD/DIA personnel who traveled there at the same time.

Judge Turner and I were constantly reminded of the time constraints resulting from these hearings. We were repeatedly asked what could be done to make it happen. While these travelers from Washington enjoyed their lodging in the Imperial Hotel, we did our best in more spartan surroundings to make it happen at our expense. Monies were paid and bus tickets were bought, but in this instance, Southeast Asia was not ready to perform at the belated cue of the DIA within their self-imposed time constraints.

The single most important lesson anyone from the west can learn in dealing in Southeast Asia is that patience is a prerequisite to any sort of success to be gained there. This sort of ignorance of the ways of that part of the world is among the roots of our failure in the Vietnam War. Ho Chi Minh had patience we didn't have.

One individual connected to the Carr case was produced for questioning by the DIA. This man who we call Mario was one of our original points of contact with Mr. X. But I did not consider him to be a major factor in the Carr operation itself at that time. This turned out to be an error in judgment on my part.

After the photographs were developed the operation to bring out two American POW's was to proceed irrespective to any attempted identification of the subject in the picture. Mr. X left to continue the final stages of the plan and I waited to hear from him. Last week Mario told me what happened to cause the operation to be ended.

While I was waiting for the message from Mr. X to proceed with the mission, Mario was contacted by a man from the American Embassy in Bangkok. This man told Mario that I and my primary Thai contact in Bangkok had received a large sum of money for the operation, but that we had kept it for our use, not sharing it with the other people. This man from the Embassy told Mario that my Thai contact had bought a large and valuable piece of land north of Bangkok with the money, that we were cheating Mario, Mr. X and the others involved in the plan and that we intended to cut them out entirely.

As a result of the false information provided to Mario he contacted Mr. X and the other members of the operation, telling them that everything was off and that they were being cheated by myself and my Thai contact. As a result of these actions I never received any further communication about the mission from Mr. X and concluded that something beyond my control had occurred.

While this is true, I was astonished by what that something was.

After talking with my Thai contact and myself last week, Mario realized that the man from the Embassy had lied to him. Mario then became very apologetic, saying he was sorry and that he had misunderstood. Mario feels very bad about this occurrence now, but not half as bad as I do.

Mario told us that the man from the Embassy knew about the operation from some other source. He gave Mario the sum of 150,000 Baht, $6,000; 50,000 one time and 100,000 another. And he said he wanted Mario to work for him and not for me. Mario stated that he gave the man some information, but refused to work for him further even though the man told Mario he would buy him a BMW automobile if he did, plus he had already been given that amount of money.

When Mario still refused the man from the American Embassy said that if Mario revealed the man's name, he could not be responsible for the fate of Mario, his daughter or his mother. Mario took this to be a threat against the lives of himself and his family. He believes that the man from the Embassy has friends in Thailand who are capable of carrying out this threat. The man from the American Embassy coerced Mario to swear an oath to Buddha that he would not tell the man's name. Mario told us that he has moved his daughter out of his house to another location to preclude her being kidnapped or killed. He is now in fear for his life.

This information was given in the presence of Judge Turner and myself and three members of the DOD/DIA who were questioning him. Mario was asked at the time what the name of the man from the Embassy was. He said he could not tell the name. No further questions were asked about this subject at all by the DIA men.

After the meeting with the DIA people——

The CHAIRMAN. Could I ask you to speak into the mike a little more, Mr. Bailey?

Colonel BAILEY. After the meeting with the DIA people was concluded, Judge Turner and my Thai contact and I took Mario out to dinner. During the meal we tried to convince him to tell us who the man was, and he broke into tears and said he couldn't tell us because the man's friends would kill him.

Just before I left to return to the United States to attend this hearing, we met again with Mario at his house. After extensive discussions, Mario did in fact reveal the name of the man from the American embassy to us, which we will give to you in closed session.

From this meeting with the DIA and DOD personnel, it appears certain that there was a deliberate sabotage of the Carr operation by the introduction of misinformation in the form of lies about me and my Thai contact. There is, in fact, land owned by my contact north of Bangkok. There was an inheritance years ago from that person's father. There was no money received by me or by anyone else in the Carr case, except what I had paid out of my own pocket for the taking of photographs, period. No money was to be paid until there was a release of the POW. The statements made by the man from the Embassy to Mario are absolutely lies from beginning to end.

There are many pitfalls in any sort of operation such as the one planned for the recovery of prisoners in the Carr case. While it cannot be proved that that operation would have ultimately succeeded, it can be stated with certainty that this man from the embassy of the United States of America cut off any chance of the mission's success by a deceitful and arguably treasonous act to kill it by lies, robbery, and threats to a Thai citizen in his own country by a representative of the Government of the United States.

The final issue I would raise for the consideration of this Committee is whether or not American prisoners of war have died as a direct result of the actions of this agent of the U.S. Government in Thailand.

Thank you for taking the time to hear me, and to hear my statement.

[The prepared statement of Colonel Bailey follows:]

Prepared Statement of Jack E. Bailey, Lieutenant Colonel, USAF, (Retired)

Mr. Chairman, Members of this Committee, I appreciate the opportunity to express my experiences and opinions about the conduct of the U.S. government in the area of recovering American prisoners of war left behind in southeast Asia.

This is a field in which I have had extensive experience. I have served in the armed forces of this country during three wars. I flew combat missions as a fighter pilot in the Vietnam war during which time I became interested in the plight of air crewmen shot down but not rescued.

After retirement from the Air Force I have dedicated my time and efforts toward the discovery of information about POW's who were left behind by the government of this country almost 20 years ago in their haste to disengage "with honor" from the war in southeast Asia they were unwilling or unable to win.

Since that time I have spent many years in southeast Asia and have cultivated hundreds of contacts with individuals who have given me intelligence concerning the fate of prisoners still being held by our former enemies. Some of that information was deliberately false, fabricated for the purpose of being sold for profit. Other intelligence is, in my opinion, valid and worthy of investigation by the governmental agencies supposedly created for that purpose.

In the past I have given valid information concerning POW's to appropriate governmental agencies. It is my belief that there was no investigation made in any of these cases. In the majority of instances I never received any sort of communication back from the agencies I had contacted, not even an acknowledgement that the information was received.

While there are numbers of cases worth discussing, I will limit this statement to the facts of the case of Army Special Forces Capt. Donald Gene Carr, presently a matter of prime interest.

In 1989 I made contact with a source of information who indicated to me that he had contact with American prisoners of war being held in Laos. After numbers of meetings with this man, referred to as "Mr. X", and a number of other individuals, we devised a detailed operation to bring two American prisoners out of captivity and into friendly hands. A great deal of thought and coordination went into the creation of this plan involving the method and route of extraction, form of transportation, security, and the payment of a substantial amount of money from private sources for the delivery of those prisoners.

As a means of providing proof of the existence of these POW's, I sent Mr. "X" into Laos with a camera and articles of clothing. Mr. "X" gave the clothing to a prisoner and took his photograph. He returned the unexposed film to me. Among the pictures that resulted was one of the man we now know as Donald Gene Carr.

After receiving the film I didn't see or hear from Mr. "X" again for almost 2 years and assumed that something had happened to him or had otherwise gone wrong to cause the plan to be compromised. It wasn't until last week that I discovered what the problem was.

Shortly after developing the Carr picture in 1990, I showed it to a senior DIA member of the American Embassy who I was informed was involved in POW/MIA affairs. I am aware of no action that was taken by the government at that time.

After several months of investigation and a comparison with pictures given to us by family members, we concluded that the man in the Laos picture was Special Forces Capt. Donald Gene Carr.

In July of 1991, Judge Norman Turner, a former Air Force fighter pilot and I prepared a package of information concerning the Carr case. In conjunction with this I released the original negatives given to me by Mr. "X" to an investigator of the Senate Foreign Relations Committee who arranged to have scientific comparisons of the photos made by forensic pathologist Michael Charney of Colorado State University. Dr. Charney also concluded that the man in the photo was Carr as did family members and men who had served with Carr.

The photographs were released publicly in July 1991 within a week of the time that the Senate Select Committee was approved. *At that time* the Department of Defense became interested in the case and asked me to brief them on the Carr matter. Against the advice of a number of friends involved in POW/MIA affairs I agreed to do so. Although almost anyone who has dealt privately in searching for POW's distrusts the government in general and the DIA in particular in this area, I felt that I should make an effort to cooperate with the government one more time. I did so with misgivings.

At this first Pentagon briefing in August I gave to the DIA my original negatives of the Carr matter except for those showing the face of Mr. "X". I did not release the true name of Mr. "X". When interrogated by DIA concerning the location at which the photographs were taken, I indicated the site of a position that I had been informed was a POW holding location but I did *not* give them the true location at that time because I was not confident in their motives.

I was invited back to brief Secretary of Defense Cheney in October of 1991. Although I was still uncomfortable with the record of the DIA in the area of POW investigations I decided to cooperate fully since I felt that there would be integrity at that level of government. My feeling was that we had to trust somebody. In that briefing, therefore, I released all of the remaining information available to me at that time concerning the Carr case, including the remaining original negatives and the name of Mr. "X". At this time I indicated to Secretary Cheney the true position of the site at which I was informed Carr was held at the time the photograph was taken. I was informed that the DIA would cooperate with me and that I was to be considered "part of the team". I told Secretary Cheney and others present at the meeting that based on information I had received I thought that Mr. "X" would be in Bangkok by the time I returned to southeast Asia the next week. I told him that I would bring him into contact with people from the Defense Department if possible. I was asked on several occasions by DIA personnel if Mr. "X" would submit to a polygraph test. I told them that would be up to him.

Within a few days after the briefing, even as I made plans for a trip as "art of the team", I learned that negative information was being released about me and the Carr case by someone within DOD. I was told that people from DOD were saying that the pictures were probably taken in Thailand and that I was not cooperating with them. I was also informed that the DIA was investigating the case by looking in the Bangkok Zoo. I don't know if that is true or not.

I am now informed that earlier this week Secretary Dick Cheney testified that I told members of the DOD that I didn't know where the Carr photos were taken and that they might have been taken in Bangkok or somewhere else. Apparently he also testified that I "promised" him I had a witness in Bangkok ready to talk to his people when they arrived there. Both of these statements are false.

It is true that I was not able to "produce" Mr. "X" in Bangkok during the week that the DOD was able to dedicate to this "highest priority in the land". I tried to make contact but I have to point out that we are not dealing with livestock or retail goods here. It took me many hard years in southeast Asia to cultivate the level of trust necessary to obtain the evidence I have tried to present. Furthermore people that are able to move across borders to obtain such information live and move in a shadow world at the edges of society.

The lines of communications in that part of the world are relatively primitive. The phone systems in Bangkok are approximately at the level of the United States in the 1950's. In the remote areas of Thailand they are almost nonexistent. My primary method of communication into the "up country" regions of Thailand consists of buying a bus ticket to a remote area and sending an agent there with an oral message and instructions to try to find a telephone to call back an answer.

Mr. Chairman, I find it appalling that after almost 20 years of inaction, and only when it became apparent that members of the Defense Department would be compelled to testify before this Committee, interest has suddenly been stimulated to aggressively "investigate" a prisoner of war matter, in this instance the Carr case. During my latest trip to Thailand, during which I was "part of the team" according to Mr. Cheney, there was no question that a sense of urgency existed in the minds of those DOD/DIA people who traveled there at the same time.

Judge Turner and I were constantly reminded of the time constraints resulting from these hearings. We were repeatedly asked what could be done to "make it happen". While these travelers from Washington enjoyed their lodging in the Imperial Hotel we did our best in more spartan surroundings to "make it happen" at our own expense. Moneys were paid and bus tickets were bought but in this instance "southeast Asia" was not ready to perform at the belated cue of the DIA within their self-imposed time constraints.

The single most important lesson anyone from the west can learn in dealings in southeast Asia is that patience is a prerequisite to any sort of success to be gained there. This sort of ignorance of the ways of that part of the world is among the roots of our failure in the Vietnam war.

One individual connected to the Carr case was produced for questioning by the DIA. This man who we call "Mario" was one of my original points of contact to Mr. "X" but I did not consider him to be a major factor in the Carr operation itself. This turned out to be an error in judgment on my part.

After the photographs were developed the operation to bring out two American POW's was to proceed irrespective to any attempted identification of the subject in the picture. Mr. "X" left to continue the final stages of the plan and I waited to hear from him. Last week Mario told me what happened to cause the operation to be ended.

While I was waiting for the message from Mr. "X" to proceed with the mission, Mario was contacted by a man from the American Embassy in Bangkok. This man told Mario that I and my primary Thai contact in Bangkok had received a large sum of money for the operation but that we had kept it for our own use. The man from the Embassy told Mario that my Thai contact had bought a large and valuable piece of land north of Bangkok with the money, that we were cheating Mario, Mr. "X" and the others involved in the plan and that we intended to cut them out entirely.

As a result of the false information provided to Mario he contacted Mr. "X" and the other members of the operation, telling them that everything was off and that they were being cheated by me and my Thai contact. As a result of these actions I never received any further communication about the mission from Mr. "X" and concluded that something beyond my control had occurred. While this is true I was astonished by what that something was.

After talking with my Thai contact and myself last week Mario realized that the man from the Embassy had lied to him. Mario then became very apologetic, saying he was sorry and that he had "misunderstood". Mario feels very bad about this occurrence now but not half as bad as I do.

Mario told us that the man from the Embassy knew about the operation from some other source. He gave Mario money in the sum of 150,000 baht ($6,000) and said he wanted Mario to work for him and not me. Mario said that he gave the man "some information" but refused to work for him further even though he told Mario he would buy him a BMW automobile if he did.

When Mario still refused the man from the American Embassy said that if Mario ever revealed the man's name he "could not be responsible" for the fate of Mario, his daughter or his mother. Mario took this to be a threat against the lives of himself and his family. He believes that the man from the Embassy has "friends" in Thailand who are capable of carrying out this threat. The man from the American Embassy coerced Mario to swear an oath to Buddha that he would not tell the man's name. Mario told us that he has moved his daughter out of his house to another location to preclude her being kidnapped or killed. He is now in fear for his life.

This information was given in the presence of Judge Turner and myself and three members of the DOD/DIA who were questioning him. Mario was asked at that time what the name of the man from the Embassy was. He said he could not tell the name. No further questions were asked about this subject at all by the DIA men.

After the meeting with the DIA people was concluded, Judge Turner, my Thai contact and I took Mario to supper. During the meal we tried to convince him to tell us who the man was and he broke into tears and said that he couldn't because the man's friends would kill him.

Just before I left to return to the United States to attend this hearing we met again with Mario at his house. After extensive discussion Mario in fact *did* reveal the name of the man from the American Embassy to us.

From this meeting and that with the DIA/DOD personnel it appears certain that there was a deliberate sabotage of the Carr operation by the introduction of misinformation in the form of lies about me and about my Thai contact. There is in fact, land owned by my contact north of Bangkok. It was an inheritance years ago from that person's father. There was no money received by me or by anyone else in the Carr case except what I had paid from my own pocket for the taking of the photographs. No money was to be paid until there was a release of a POW. The statements made by the man from the Embassy to Mario were absolute lies from beginning to end.

There are many pitfalls in any sort of operation such as the one planned for the recovery of prisoners in the Carr case. While it cannot be proved that the operation would have ultimately succeeded, it *can* be stated with certainty that this man from the Embassy of the United States of America cut off any chance of the mission's success by a deceitful and arguably treasonous act to kill it by lies, bribery and threats to a Thai citizen in his own country by a representative of the government of the United States.

The final issue I would raise for consideration of this Committee is whether or not American prisoners of war have died as a direct result of the actions of this agent of the U.S. government in Thailand.

Thank you for taking the time to hear my statement.

The CHAIRMAN. Colonel, where are you taking off to? Do you have a plane? You just arrived.

Colonel BAILEY I have a serious illness in my family.

The CHAIRMAN. And you have to leave to go to where?

Colonel BAILEY. To Tennessee.

The CHAIRMAN. You will be here for a while so we can follow up?

Colonel BAILEY. I would very much like to answer your questions, yes.

The CHAIRMAN. No, I mean in the next few days will you also be reachable?

Colonel BAILEY. I am heading for Thailand the first of next week. But I would make myself available in any way that I can.

The CHAIRMAN. Colonel Turner.

STATEMENT OF NORMAN M. TURNER, LIEUTENANT COLONEL, USAF (RETIRED)

Colonel TURNER. Mr. Chairman, Senators, thank you for allowing me to address this Committee today. I am a former U.S. Air Force fighter pilot who flew combat missions in two tours of duty in Vietnam. I have been working with Jack Bailey primarily on the Donald Gene Carr case since the middle of June of this year. I have become familiar with the facts of this case, and I am convinced that——

The CHAIRMAN. Colonel Turner, can I just ask one quick question? Are you going to summarize your testimony?

Colonel TURNER. Well, I was going to read it, Senator.

The CHAIRMAN. It is about 15, 20 minutes long. That is the reason I ask. Am I wrong in judging that.

Colonel TURNER. Well, I'm used to reading jury instructions. I think I can get through it quicker than that.

I am convinced that the photograph is that of Capt. Donald Gene Carr. I will condense parts of it.

I will discuss the trip to Bangkok. I went to Bangkok with Colonel Bailey, and I will summarize parts of it in the interest of time.

From the time we arrived in Bangkok until the day we left, Jack Bailey had agents up-country trying to make contact with a man who had taken the Carr photos, whom we referred to as Mr. X, and to bring him to Bangkok. Both Bailey and I paid out of our pockets for the expense of sending people to various places in Southeast Asia. This sum was well over $2,000. At one point I observed Jack leave one of his rings in a Bangkok hock shop to obtain more money to pay for expenses for one of his sources of information.

I am aware—and if you will read along with me, I will skip paragraphs and move on down to those I consider the most pertinent to this session.

I will make this statement under oath, that to the best of my knowledge, under penalty of perjury that I swore to, that the facts of this statement are true. I am aware that testimony has been presented that while in Thailand Jack Bailey stated that the Carr pictures might have been taken in Thailand or Burma instead of Laos.

I was present at Bailey's side every second that he was in the physical presence of people from the DOD or DIA. He never made any such statement to any of them that I heard. I am as aware of his views about the Carr case as any person on earth. He does not believe any such thing. When comment has been made by others that the pictures looked as though they might have been taken in Bangkok, I have heard him state words in frustration to the effect, well, if they were taken in Thailand, let's find out where in Thailand Butch Carr is and bring him home.

Whichever small-minded DIA minion made such a bogus report to his superiors knew full well that he was quoting Bailey out of context if at all, and he also knew that no such meeting was ever intended by Bailey.

The most significant event in the trip occurred when we made contact with a Thai man called Mario. He had been involved in Jack Bailey's operation to return American prisoners of war which you have just heard about. In the process of trying to get to Mr. X to bring him back to Thailand, we received information—and I am paraphrasing now—that there was bad feelings toward Jack and his primary source of information, an individual in Bangkok.

A meeting was made through a third party between Bailey, his Thai contact, and Mario. I was not at that meeting, but I was informed later that the facts were as you have heard—this false information, which I will address in a moment.

My first contact with Mario was on the evening we brought him to meet with the DIA people. We were concerned because Mario was very apprehensive about talking to anyone from the American Embassy. We asked Colonel Cole to bring only one other person with him to keep the environment from being too intimidating. Three of them showed up. The three men who appeared to meet with Mario were Col. John Cole, Bob Sheetz, and William Gadoury.

Mario was asked why the rescue mission failed, and he told us about the man from the American Embassy who gave him money and told him how Jack Bailey and his Thai contact were cheating him. He also said that the man who told him had told him that if Mario ever told anybody his name, he couldn't be responsible for the safety of Mario, his daughter, or his mother.

One of the DIA men asked what the embassy man's name was, and Mario said he didn't want to say. Mario said, "He is very powerful. You all know him." The questioner, Bill Gadoury, dropped the whole line of inquiry.

It was apparent to me that there existed the strong possibility that actions by an agent of the U.S. Government had deliberately killed a viable operation to rescue American prisoners of war, and I wanted to find out what I could about it.

Jack and I took Mario to supper after the DIA men left, and I tried the best I could, as gently as I could, to get him to tell me the name. He looked pained, and kept apologizing to Jack, saying, I'm sorry, I misunderstood; I can't say his name because he has many friends who would kill me.

Finally, after I explained that he might now be in greater danger if he did not tell us, he said he was sorry, he broke down and began to cry, pressing his napkin to his face. At that point we ceased to pressure him further.

Several days later, the night before I left to come back, we went over to see Mario at his house with a video camera and tape recorders and still cameras. Basically what we did is pump him for information about the name of the man. That is what I wanted.

The CHAIRMAN. The name of the man from the embassy?

Colonel TURNER. The name of the man from the embassy who had talked—who had split the operation and ended it and threatened his life.

Mario finally admitted that he had told three other people the man's name. One was a connected friend of his upcountry who had associates who Mario said, "could protect him." The other two were Mr. X himself and another person called Dr. No, one of the original old Carr operation people.

Based on his years of experience in Southeast Asia, Jack had guessed who he thought the man would be. He gave me two names quietly. I wrote them in the margins of a Thai newspaper lying on the floor in Mario's house. I said, look at these names, Mario, if you were to cross out one of them, which one would it be. And I handed Mario my pen—this pen right here, as a matter of fact. He looked at the names I had written, and after a few seconds made an X by one of the names. I asked him, cross out this one. And Mario said, "No, that him." That is a quote. We turned the video cam back on and tried to get Mario to say the name out loud but he wouldn't.

Finally, we shut off the camera and I took my tape recorder out and put it up by his mouth and I said, Mario, it's—and I spoke the man's name. It's that man, isn't it. He hesitated for a while and finally he said, in my tape recorder, yes.

I am a judge in a criminal court. I deal with victims and perpetrators of crime. Every day of the week I have heard hundreds, if not thousands, of witnesses testify. I would not bet that every detail of what Mario told us is true and complete, but I am convinced beyond a reasonable doubt of the following.

One, Mario's loyalty is to Jack Bailey and the Carr mission were deliberately estranged by lies told him by a man who works for the Government of the United States.

Two, the mission was aborted because of the intervention of this man from the American embassy.

Three, Mario now regrets his actions in stopping the mission.

And four, Mario is terrified of the prospects of physical harm or death occurring to himself or his family through actions initiated by the man from the embassy, or that man's friends.

Mr. Chairman and Members of this Committee, you have in the span of the last 3 days been eyewitnesses to what I believe is a complete microcosm of the moral and ethical defects in governmental agencies that has plagued the conscience of this Nation since the end of the war in Southeast Asia.

You have heard testimony from at least two members of the DIA/DOD team that accompanied Jack Bailey to Thailand. Those two members were under oath to tell the truth, to tell the whole truth and nothing but the truth, so help them God, before testifying before you. It is my understanding that those team members were asked if there was anything else they know about any matter concerning the matter of POW's in Southeast Asia. Apparently none of them present at the time of the questioning of Mario bothered to mention the matter of Mario and the aborted Carr rescue mission to this panel.

I was horrified to learn of the allegations of such criminal acts by an agent of the U.S. Government. Apparently these investigators did not feel such information was even worthy of being reported to their superiors or included in their sworn testimony, even when directly asked.

The acts of the man from the embassy in aborting the Carr rescue mission by intimidation and bribery were recited by the victim of those acts in the immediate presence of Robert Sheetz, the Chief of DIA's Office of POW/MIA affairs at the Pentagon, Col. John M. Cole, Jr; the chief of the POW/MIA team at the embassy in Bangkok, and William R. Gadoury of the Joint Casualty Resolution Center at the Embassy in Bangkok. These are the very men who are most responsible for the investigation of reports concerning American prisoners of war being held in Southeast Asia. How could such individuals recognize valid information concerning prisoners, if they can't even see the relevance of the information just stated?

The CHAIRMAN. The relevance of which?

Colonel TURNER. The relevance of the fact, Senator, that an operation was deliberately interfered with, that a team was split and the mission canceled, and that threats were made.

The CHAIRMAN. But all of that was laid out to them. You are saying——

Colonel TURNER. To the best of my recollection, yes. Not in detail. I mean, there was no further questioning after about 5 minutes. But to the best of my recollection it was, it certainly was laid out that that is why the mission failed.

The CHAIRMAN. Is that accurate, Colonel?

Colonel TURNER. Is Colonel Cole here?

Colonel COLE. That is not accurate, sir.

The CHAIRMAN. Well, we will get to you later on that.

Colonel TURNER. When the statement was made that this had happened, Colonel Cole made the statement—and I am not going to mention the man's name—there was another man, who said, was that so-and-so again. And that is when Mario said, I can't say his name, he is very powerful; you all know him.

The CHAIRMAN. Did you give the name of this embassy official to the team?

Colonel TURNER. No.

The CHAIRMAN. Are you willing to share the name of this person with us?

Colonel TURNER. Yes, but in some sort of closed session. We will explain why in a closed session. We are concerned about the life of our man.

The CHAIRMAN. Privately, after this meeting?

Colonel TURNER. Yes, sir.

Colonel BAILEY. The man would be willing to come and testify before this Committee, sir. The individual himself, Mario, would. He would be very happy to come and testify.

Colonel TURNER. In the interests of brevity that you request, Mr. Chairman, I am going to skip just to a couple more parts of my statement, which is entered into evidence, and state just a couple of things that struck me recently.

In an incident reported locally on November 6, yesterday, the Vietnam Ambassador to the United Nations, Trinh Xuan Lang, remarked that his government could quickly settle the issue of missing American prisoners of war if Washington would just stop making it a condition for normalizing relations.

I am sorry to appear in levity, but my feelings were, upon reading that quote, reminiscent of the old joke, what's he mean, Mommy.

Senator MCCAIN. He gave us a letter yesterday refuting that, saying that that is not what he said, that there was no condition.

Colonel TURNER. That is how he was quoted in the paper.

The CHAIRMAN. But he was disturbed by, apparently, the misinterpretation, and he submitted for the record a subsequent clarification.

Colonel TURNER. Very well. I would be interested to hear what the reporter recalls.

I am just going to make the last——

The CHAIRMAN. Let me just say, incidentally, that all of that, frankly, is meaningless anyway, because the bottom line is still going to be the performance and follow-through, so this is gloss in any respect.

Colonel TURNER. To conclude, I would just like to read the last portion of my statement. On a larger scale there seems to be a prevalent presumption in the hearts and minds of our governmental leaders that unless some individual can present some solid uncontrovertible proof of the existence of a POW, that POW doesn't exist. That constitutes a presumption of death which is patent nonsense.

In the law there are many presumptions. These presumptions were conceived over the years by a process of long and careful consideration of logic and public interest. In the case of war, a living, breathing man is sent forth into combat and, barring some positive evidence of his death, there is no conceivable reason in logic to presume such a thing just because he is missing.

There are a number of alternatives to such a conclusion. In the majority of cases. That presumption, however, appears to be the rule in our governmental policy in this area. And I would like to point out that there is nothing—none of this is aimed at this Committee. This is all that has happened up to this time.

The CHAIRMAN. We understand. We are just looking forward to a few months from now when it is. [Laughter.]

Colonel TURNER. Well, I hope that—if I can just say briefly, I——

The CHAIRMAN. We are not going to give anybody any cause to aim at us.

Colonel TURNER. I heard Senator Smith's opening statement, and that was the best I've felt in a long time, after hearing that.

Who made the decision in our Government that out of sight constitutes a presumption of death? What gave our government the right to place the burden of proof to the contrary on the families of the missing men and private seekers of prisoners to prove beyond a reasonable doubt that a POW exists before the government will act? Nowhere else in our system of government does such backward thinking exist. Although our governmental spokesmen deny that this is their policy, there is a virtually unanimous opinion among the families of MIA's who have tried to deal with official agencies that such is the case.

In the undeclared war over Laos, in which I flew at least 50 strike missions, our country lost almost 600 men MIA. Not one single prisoner of war was ever returned by that country. For every 600 such losses over Vietnam, we could expect to have about 100 men returned. And my question is, what do you suppose happened to all those folks? Why is it logical to presume that they are dead without conclusive evidence to support such a conclusion?

Nowhere in the law could such logic long survive. Perhaps the difference in this instance is that there is—in the past—no one to speak for the interest of the prisoners except for those lonely voices of family members and private seekers acting alone, and without adequate means to refute the power and majesty of governmental agencies fixed in their internal agendas, who are both the investigators of the evidence and the judges of their own competence.

Mr. Chairman, Members of this Committee, thank you for your attention.

[The prepared statement of Colonel Turner follows:]

PREPARED STATEMENT OF NORMAN M. TURNER, LIEUTENANT COLONEL, USAF (RETIRED)

Mr. Chairman, Senators, thank you for allowing me to address this Committee today.

I am a former U.S. Air Force fighter pilot who flew combat missions in two tours of duty in Vietnam. I have been working with Jack Bailey primarily on the Donald Gene Carr case since the middle of June of this year. I have become familiar with the facts of this case and am convinced that the photograph presented to the DOD and the press depicting a man held captive in Laos is in fact Capt. Donald Gene Carr.

I accompanied Jack Bailey on his first briefing of members of the Department of Defense and DIA in August, 1991. I also traveled with him to Thailand 2 weeks ago to help try to provide information requested by Secretary of Defense Cheney concerning the Carr case. I will state my observations and conclusions of the conduct of the latter trip to the Committee.

I was aware that Jack Bailey was frustrated by the inaction of the DIA before the trip started. He had given them his original negatives from which the Carr photos were made. Although he had requested their return, that had not been done. Nor had he been repaid for his airline tickets for his travel to and from the Pentagon briefings as he had been promised.

From the time we arrived in Bangkok until the day we left Jack had agents up country trying to make contact with the man who had taken the Carr photos who we referred to as Mr. "X" and to bring him to Bangkok. Both Bailey and I paid out of our own pockets for the expense of sending people to various places in Southeast Asia. This sum was well over two thousand dollars. At one point I observed Jack leave one of his rings in a Bangkok hock shop to obtain more money to pay for expenses for one of his sources of information.

It was a frustrating time for both of us which was not helped by the numerous daily phone calls from the embassy asking if we had heard anything. On every occasion that we spoke to the DIA people they made mention of how short the time was before they had to return to Washington for the hearings. It was obvious to me that they were far more interested in providing information to their superiors about the Carr case than in actual investigations of POW's. On one occasion Colonel Cole asked, "what am I going to put into my report tonight?"

I am aware that testimony has been presented that while in Thailand Jack Bailey stated that the Carr pictures might have been taken in Thailand or Burma instead of Laos. I was present at Bailey's side every second that he was in the physical presence of people from the DOD/DIA. He never made any such statement to any of them. I am as aware of his views about the Carr case as any person on earth. He does not believe any such thing.

When comment was made by others that the pictures looked as though they might have been taken in Bangkok, I have heard him state words in frustration to the effect, "well if they were taken in Thailand, let's find out where in Thailand Butch Carr is and bring him home".

Whichever small minded DIA minion made such a bogus report to his superiors knew full well that he was quoting Bailey out of context and he also knew that no such meaning was ever intended by him.

The most significant event in the trip occurred when we made contact with a Thai man called Mario. He had been involved in Jack Bailey's operation to return American prisoners of war held in Laos in 1990 which was to include Donald gene Carr. Jack had been talking to people close to Mr. "X" trying to gets him back down to Bangkok. When Mario was contacted in this process the word came back to us that he had bad feelings toward Jack and his primary source of information in Bangkok.

Through the help of a third party a meetings was made by Jack and his Thai contact with Mario. I was not present at that first meeting but I was told that Mario had become alienated from the two of them because of information given to him by a man from the American embassy in Bangkok while the plan was in process. As a result of the statements of this man Mario became convinced that he and the other members of the team were being cheated out of money by Jack Bailey and his Thai contact and Mario convinced the others to call off the operation. After the discussion between the three of them Mario realized that he had been told lies by the man from the embassy. He became contrite and 'apologized to Jack and his Thai contact' for believing the worst about them.

My first contact with Mario was on the evening we brought him to meet with the DIA people. We were concerned because Mario was very apprehensive about talking to anyone from the American embassy. We asked Colonel Cole to bring only one other person with him to keep the environment from being too intimidating. Three of them showed up. This was consistent with the mode of operation I have observed in dealing with the DOD and DIA throughout my limited experiences with them. They always went at least one step beyond what they agreed to. The three men who appeared to meet with Mario were Col. John Cole, Bob Sheetz and William Gadoury.

We asked them to sit down and talk a little while socially with Mario before starting to interrogate him in order to let him relax a little first. As soon as Mario sat down they whipped out their pads and started taking down everything he said. The first words addressed to Mario were that there was no credibility with his name because he didn't look like a "Mario".

The questioning was fairly inept at that meeting but there was one significant area addressed briefly. Mario was asked why the rescue mission failed and he told us about the man from the American embassy who gave him money and told him how Jack Bailey and his Thai contact were cheating him out of his share of the money for the Carr operation. He also said that the man had told him that if Mario ever told anybody his name he couldn't be responsible for the safety of Mario, his daughter or his mother. One of the DIA men asked what the embassy man's name was. Mario said he didn't want to say it. Mario said, "he is very powerful. You all know him". The questioner, Bill Gadoury, dropped the whole line of inquiry.

It was apparent to me that there existed the strong possibility that actions by an agent of the U.S. government had deliberately killed a viable operation to rescue American prisoners of war and I wanted to find out what I could about it. Jack and I took Mario to supper after the DIA men left. Mario, ordered the most expensive item on the menu which went on my credit card. After we finished eating I tried as gently as I could to entice the name of the embassy man from Mario. He looked very pained and kept apologizing to Jack saying, "I'm sorry. I misunderstood. He told me you were cheating us. I can't say his name because he has many friends who would kill me.

Finally, after we explained that he might now be in greater danger if he did not tell us the man's name he said he was sorry again and he began to cry, pressing his napkin to his eyes. At that point we ceased to pressure him further.

Several days later, on the evening before I left Bangkok, Jack Bailey, his Thai contact and I went to Mario's house. We brought a video camera, tape recorders and 35 millimeter cameras

After talking with Mario for a while we set up the video camera and proceeded to do an interview with him. I did the questioning. On several occasions I referred to the actions and statements of the "man from the embassy" and he responded appropriately.

He told us that he had been contacted by this man who paid him a total of 150,000 Thai baht. Mario said that this man told him bad things about Jack and his Thai contact and said they were cheating him and the others out of the money that had been paid for the rescue operation. He was told that the Thai contact had used some of the money to buy a big farm north of Bangkok. In actual fact that Thai contact inherited a larger parcel of land from relatives years before. Mario said that he had no money then so he took what was given to him. Afterwards he said, he refused to work with the man from the embassy but he was still angry with Jack, and his Thai contract at that time. Mario said he spent the money in 2 days in women and partying because it was "black money".

After a time we turned off the camera and the tape recorders and just sat talking. I again discussed the danger of his position noting that the embassy probably knew who the man was and if he would tell us he would be safer. Mario finally admitted that he had told three other people. One was a "connected" friend of his up country who had friends Mario hoped could protect him. The other two were Mr. "X" and "Dr. No", two of the old Carr operation people.

Based on his years of experience in Southeast Asia, Jack Bailey had guessed that the man involved was one of two people he knew. Jack quietly told me the two names and I wrote them on the margin of a Thai newspaper lying on the floor in Mario's house. I said, "look at these names Mario. If you were to cross out one of them which one would it be?" I handed Mario my pen.

He looked at the names I had written and after a few seconds made an "x" by one of the names. I asked him, "cross out this one?"

Mario said, "No. That him".

We turned the video cam back on and I tried to get Mario to say the name out loud but he wouldn't. Finally we shut off the video camera and I turned on my little tape recorder again. I held it up in front of him and said to Mario, "it's ———— isn't it?" He hesitated for several seconds and finally, quietly said, "yes".

I am a judge in a criminal court. I deal with victims and perpetrators of crimes every work day of the week. I have heard hundreds if not thousands of witnesses testify. I would not bet that every detail of what Mario told us is true and complete but I am convinced beyond a reasonable doubt of the following.

1. Mario's loyalties to Jack Bailey and the Carr mission were deliberately estranged by lies told to him by a man who works for the government of the United States.
2. The mission was aborted because of the intervention of this man from the American embassy.
3. Mario now regrets his actions in stopping the mission.
4. Mario is terrified of the prospect of physical harm or death occurring to himself or his family through actions initiated by the man from the embassy or his "friends".

I have always considered myself a loyal American. I have served my country as an officer of the U.S. Air Force and a fighter pilot who flew over 335 combat missions in Southeast Asia. I am a registered republican who has been a member of the establishment all of my adult life. To say my faith in the government has now been shaken now is a significant understatement.

Mr. Chairman, Members of this Committee, you have in the span of the last 3 days been eyewitnesses to a complete microcosm of the moral and ethical defect in governmental agencies that has plagued the conscience of this Nation since the end of the war in Southeast Asia.

You have heard testimony from at least two members of the DIA/DOD team that accompanied Jack Bailey to Thailand. Those team members swore an oath to tell the truth, the whole truth, and nothing but the truth so help them God before testifying before you.

It is my understanding that those team members were asked if there was anything else they knew about any matter concerning the matter of POW's in Southeast Asia. Apparently none of them present at the time of the questioning bothered to mention the matter of Mario and the aborted Carr rescue mission.

I was horrified to learn of the allegations of such criminal acts by an agent of the U.S. government. Apparently these "investigators" did not feel such information was even worthy of being reported to their superiors or included in their sworn testimony even when directly asked.

The acts of the man from the embassy in aborting the Carr rescue mission by intimidation and bribery were recited by the victim of those acts in the immediate presence of Robert Sheetz, the chief of DIA's office of POW/MIA affairs at the Pentagon, Col. John M. Cole, Jr., the chief of the POW/MIA team at the embassy of the United States in Bangkok, Thailand and William R. Gadoury of the Joint Casualty Resolution Center at the American embassy in Bangkok. These are the very men who are most responsible for the investigation of reports concerning American prisoners of war being held in Southeast Asia by our government. How could such individuals recognize valid information concerning prisoners if they can't even see the relevance of the information just stated.

The only alternative conclusion to a complete breakdown of judgment on the part of three of the most critical members of our government's primary POW investigation team is that they are willing to ignore or hide evidence that they know is relevant or were ordered to do so. When such conduct is done under oath it is called perjury or worse.

You have heard the testimony of Secretary of Defense Dick Cheney and principal Deputy Assistant Secretary of Defense Carl W. Ford, Jr., which was apparently based on information provided by members of the team just discussed. The "independent" statements presented to this Committee by these two most senior members of the governmental agency responsible for investigating POW reports are remarkable in their consistency. The words "lock step" seem anarchistic in comparison.

I pray that this Committee will look closely into the methods, procedures and philosophy employed by those governmental agencies and individuals who, in the last 20 years, have been entrusted with that most solemn and sacred trust of seeking the truth about our men left behind.

It appears to me that what you have seen is the presentation of a governmental agency that has a firm and solidly understood "party line" as expressed by its leaders. You have seen and heard from key witnesses from the operational level who saw fit to omit the information that appears to me to be one of the most dramatic allegations I have ever heard in the area of POW investigations.

Finally and most importantly it appears to me the strong possibility that a viable private operation to rescue American prisoners of war was aborted by the deliberate efforts of a member of the embassy of the United States in Bangkok, Thailand. Further it appears that this man did so by the deliberate intimidation of a Thai citizen in his own country. The specter of an employee of our government doing such an act is unspeakable not only for its impact on the lives and possibly the deaths of American prisoners but as an international crime which would certainly result in a justifiable complaint from the government of a friendly nation and an international incident if found to be true.

It would certainly take more than the unverified word of a single witness to prove such an allegation. Without doubt it warrants the singular attention of some official body of our government that doesn't have a stake in the outcome of the investigation. A key issue in such an investigation is whether or not the actions of this man were sanctioned by his supervisors and hence an official act of our government.

Finally I would like to address the statement I understood was made on November 5, 1991 by Secretary Cheney that there is no conclusive evidence of prisoners alive in Southeast Asia.

Before the latest trip to Thailand by the DIA people Cheney indicated to Jack Bailey that he was very interested in the Carr case and was going to do everything in his power to investigate the matter. He even put on a POW/MIA bracelet with Carr's name on it given him by Bailey saying he would continue to wear it.

Now, 2 weeks later he makes a public statement that there is no conclusive evidence of POW's and that none of the leads have panned out. I find it absolutely incredible that the government of the United States for which Cheney speaks can make such an about face concerning the "highest national priority" after a single week of non-investigation in Thailand. This is the equivalent of a local police chief stating that there is no evidence of a crime because his officers are unable to bring in a key witness within 2 or 3 days.

In the face of the evidence that has been presented in the Carr case Cheney's statement appears irresponsible at best. The above noted hypothetical police chief would soon be looking for another job but such thinking doesn't seem to be hazardous to a federal career. This sort of counter logic is beyond belief yet it appears to be the mind set of our government when the issue of POW's is raised.

In an incident reported locally on November 6, 1991, the Vietnam ambassador to the United Nations, Trinh Xuan Lang remarked that his government could quickly settle the issue of missing American prisoners of war if Washington would just stop making it a condition for normalizing relations.

My feelings upon reading that quote were reminiscent of a child asking, "what does he mean mommy?"

On a larger scale there seems to be a prevalent presumption in the hearts and minds of our governmental leaders that unless some individual can present solid, uncontroverted proof of the existence of a POW, the POW doesn't exist. That constitutes a presumption of death which is patent nonsense.

In the law there are many presumptions. These presumptions were conceived over the years by a process of long and careful considerations of logic and public interest.

In the case of war a living, breathing man is sent forth into combat and barring some positive evidence of his death there is no conceivable reason in logic to presume such a thing just because he is missing. There are a number of alternatives to such a conclusion in the majority of cases. That presumption, however, appears to be the rule in our governmental policy in this area.

Who made the decision in our government that out of sight constitutes a presumption of death. What gave our government the right to place the burden of proof to the contrary on the families of the missing men and private seekers of prisoners to prove beyond a reasonable doubt that a POW exists before the government will act? Nowhere else in our system of government does such backward thinking exist. Although our governmental spokesmen deny that this is their policy, there is a virtually unanimous opinion among the families of MIA's who have tried to deal with official agencies that such is the case.

In the undeclared war over Laos, in which I flew at least 50 strike missions, our country lost almost 600 men MIA. Not one single prisoner of war was ever returned by that country. For every 600 such losses over Vietnam we could expect to have over 100 men returned. What do you supposed happened to all those folks? Why is it logical to presume they are dead without "conclusive evidence" to support such a conclusion?

Nowhere in the law could such logic long survive. Perhaps the difference in this instance is that there is no one to speak for the interests of the prisoners except those lonely voices of family members and private seekers acting alone and without adequate means to refute the power and majesty of governmental agencies fixed in their internal agendas who are both the investigators of the evidence and the judges of their own competence.

Mr. Chairman, Members of this Committee, thank you for your attention.

The CHAIRMAN. Thank you very much. Let me just say, folks, that we began this panel half an hour ago. It was supposed to have been two 5-minute statements—what was supposed to be two 5-minute statements. It has been about 27 minutes. So I am trying to obviously keep the process moving and be fair to everybody.

The importance here is going to be the capacity to question and get at this a little bit. And so I do beg your cooperation, if we can.

Now, Mr. Bailey, you have to leave for a plane. Is that accurate?

Colonel BAILEY. I would like very much to stay and listen to what Colonel Cole here has to say.

The CHAIRMAN. Well, we want to be able to have a chance to ask some questions.

Colonel BAILEY. I will stay here until midnight to answer any questions you have, regardless.

The CHAIRMAN. Then could we proceed with the next testimony? I am not sure how——

Senator MCCAIN. Mr. Chairman, I do have to catch a plane, and I promised Colonel Bailey that I would ask him a couple of questions, if you do not mind.

The CHAIRMAN. Be my guest.

Senator MCCAIN. Thank you for your service to our country, both of you; we are very grateful. I will make my questions brief. Clearly there is a strong disagreement between what both of you have just testified to, and what Secretary Cheney testified to. So either one of you is correct or he is misinformed, one of the two. Would you agree with that, Colonel Bailey?

Colonel BAILEY. Definitely, sir.

Senator MCCAIN. It says on page 22 of his statement, he says, "Senate staff mission," he says, "I provided several experts to go along on the trip because of purporting to have hot information. The individual"—is he talking about Mario—"subsequently provided the Senate staffer with a source who failed a polygraph test."

I take it the individual is you?

Colonel BAILEY. No, sir. I took a polygraph test on my own.

Senator MCCAIN. I am talking about Mario.

Colonel BAILEY. That is not true, sir; that is absolutely false.

Senator MCCAIN. Maybe I am talking about the wrong trip here that the Secretary of Defense is talking about.

Colonel BAILEY. If I could clear this up. They did ask if he would take a polygraph, and after, that evening, they asked if he would, and I said we would talk about it and ask him. And I believe it was the next day or a couple of days, we did ask him, and he said, I do not trust them, period. He said, I will not.

Mr. LUNDY. This is about a different trip.

Senator MCCAIN. So Mario never took a polygraph test?

Colonel BAILEY. But I believe he would be happy to now, after all of this. I believe he would be happy to; he will come here and testify.

Senator MCCAIN. Did the picture of Captain Borah come to either one of you?

Colonel BAILEY. No, but I was familiar with it, through the source, yes.

Senator MCCAIN. Do you accept the alleged proof now that that is not Captain Borah, but that is a Laotian?

Colonel BAILEY. Sir, I would prefer not to comment. I think you should ask Mr. Gayden that question.

Senator MCCAIN. OK. So the fact is that the whole mission was aborted, in your view, because of interference from someone in the American embassy in Thailand?

Colonel BAILEY. There is no doubt about it in my mind, sir. Definitely.

Senator McCain. The three individuals who Colonel Turner mentions in his statement basically did nothing about it? The three, Colonel Cole, et cetera. Is that right?

Mr. Turner. I am not sure what they could have done about it as far as anything at that time. But I was surprised that it was not reported either in Mr. Cheney's report to you, testimony, or by themselves, when they testified before you. That is my comment. I could not believe they had mentioned, that they did not feel it was important enough to mention.

Senator McCain. In other words, how could such individuals recognize valid information about prisoners if they cannot even see the relevance of the information just stated? So you are accusing them of at least non-carrying out of their duties, failure to carry out their duties?

Mr. Turner. Well, as kindly as possible I am questioning their judgment in not seeing that this is relevant information. If they did not understand the total picture there, they could have asked more questions. I thought that it was quite clear at the meeting they had there, after just a short time after he would not answer the question of the man's name.

Senator McCain. Obviously, Mr. Chairman, we need to get to the bottom of this. I have no further questions at this time. I, like Colonel Bailey, look forward to the responses. Thank you very much.

The Chairman. Colonel Bailey, just share with me what do you do?

Colonel Bailey: What do I do?

The Chairman. Yes.

Colonel Bailey. I spend my time 100 percent working this issue, Mr. Chairman. I spend 8 to 10 months out of the year in Thailand working this issue, and have for the past 10 years solid—I started in 1965 on this, actually—on the POW-MIA's. I would like to discuss many more cases.

I did not want to get away from the Carr case, but there are many others that should be brought up and this Committee should be aware of.

The Chairman. Well, the Committee is going to. That is why I asked you how long you are going to be here. We do not want you to have flown so far at expense and everything, and not have the opportunity to talk to you. We want to review all the information that you have in all the other cases.

So that is why it is particularly important if you can make certain you are available in the next days so staff can spend time with you, and actually go through the deposition process and begin to build the record here. We need to do that.

Colonel Bailey. I will be happy to cooperate with you, sir, and I assure you I am going to bring Mario to this country, and he will be available to testify. We also have more than 1 hour of videotape of this man's testimony.

The Chairman. We look forward to that. Now, who funds that operation?

Colonel Bailey. Who funds it? I think he sort of funded the last trip with me. I funded the expenses of trying to find Mr. X out of my own pocket. I even hocked my ring at the time that I had to send the last man up.

The CHAIRMAN. Now you are living in Thailand, basically in retired status. Is that accurate?

Colonel BAILEY. I am Retired Air Force, yes, I am, Mr. Chairman.

The CHAIRMAN. That is how you support yourself?

Colonel BAILEY. That is right. Colonel Wallace Robinson from Kansas, my classmate, who is very close to the Senator here, and Senator Dole, has really funded me, and through other people who believe in what we are doing. While on the other side, the DIA and other people try to discredit what I am trying to do. I appreciate your good friend, Senator.

The CHAIRMAN. Did you express any concern to any of the DIA folks or to, either to Mr. Ford's DIA staff or to Pentagon staff that the CIA, you were concerned about going back because of the CIA?

Colonel BAILEY. Definitely.

The CHAIRMAN. You did express that?

Colonel BAILEY. Well, I did mention it, I believe, to Colonel Jordan, and Judge Turner was with me when we were briefed by the contact CIA person that gave us the information. We felt it was pretty reliable, and I think we could give you that in closed session.

The CHAIRMAN. So you have shared that with DIA?

Colonel BAILEY. Some of it I believe I did, with Colonel Jordan.

The CHAIRMAN. Did you tell Mr. Ford's staff that you were concerned about, that you had been told by some Congressman's staff that CIA would be following you in Bangkok?

Mr. TURNER. May I address that, Mr. Chairman? I received a phone call from the Carr family member from Florida who was upset, saying her daughter had received a call from, I believe it was Representative—or Congressman—Goss' secretary.

I then spoke to the daughter, a very level-headed person, and that daughter told me that she had, that when this woman—whose name I believe is Christie Hahn, a secretary/aide of Congressman Goss—called her, said she had just gotten off the phone from the DIA, the DOD, excuse me, and that they had told her that they thought that the pictures were taken in Bangkok or Thailand.

And that when they went back, which was just before this last trip, the DIA and CIA were going to be following Jack around; they were going to be hanging on to his coattails. I guess at that point, this daughter, loyal to our side, got into an argument with her. And she said, well, Jack will not know it because they will be in civilian clothes.

We talked to the folks here from the DOD, and they assured us no such thing had occurred; nobody was badmouthing Jack. But this is something that just did not come out of the air.

The CHAIRMAN. When you met with DIA in August, did you tell them you knew the locations for up to 14 camps that hold prisoners in Laos?

Colonel BAILEY. At our first meeting we had in August, the judge was with me; so was Col. Wallace Robinson. Yes, I did. We did give them information; I do not know the exact numbers, but we gave them quite a bit of information, yes, sir.

The CHAIRMAN. Did you tell them you would provide them those locations?

Colonel BAILEY. I did, sir.

The CHAIRMAN. Have you done that?

Colonel Bailey. I do not think I provided them with 14, but I provided them with—when we met with Secretary Cheney, with two Congressmen, McCloskey from Indiana, I did give them the locations, the new camps, the updates that we had with POW's, the information, the latest that we had, even with the names of the camp commanders.

May I add, if I could at this time, I made it very pointed that these people were being held, including Carr, by the 379th Division, North Vietnamese Division, inside of Laos, and gave them the names of the people, of the camp commanders, even the pictures that I had, and the Carr pictures, the name of that Lieutenant Colonel, the Vietnamese, the major Pathet Lao.

I went further. I am sure that they would be happy to turn that information over to you; if they do not, I will. That was the first day. The second day, I was asked to stay over. No, this was the second trip; I am confused. The first 2 days we spent, Judge Turner was with me, Larry Stark, and Wally Robinson—Colonel Robinson.

We turned over everything to them on the Carr case, with the exception—we were talking negatives now—we gave the pictures, the negatives of everything but the picture showing the man that took the photos, Mr. X, and the Lieutenant Colonel, and the Pathet Lao major.

The Chairman. This Mr. X is somebody that has access to the camp?

Colonel Bailey. Within the Laotian Government, Mr. Chairman, yes, sir.

The Chairman. Mr. X is within the Laotian Government?

Colonel Bailey. Working with the Laotian Government at that time, yes, sir. Now, this information was given to them.

The Chairman. How many locations did you identify where the Carr photograph was taken at? Did you have different views about that?

Colonel Bailey. Yes, I did, sir, definitely.

The Chairman. Was that by mistake?

Colonel Bailey. The first one I gave them, the Senator here has a report that we gave to her through Colonel Robinson quite some time ago, that indicated where this camp was, to Senator Dole and to Senator Kassebaum. This was this last year.

Now, in the report that we gave to her was the same thing we gave to DIA, and then after I went back to Thailand we did have some updated information on some new camps, and the possibility where these 30 people might have been moved to, including Carr, which we gave at that time, even the names of the commander that was commanding these camps.

I would like to make this one comment, and we are talking about the Vietnamese; there is no one, I do not think, in Vietnam, because they have been moved into Laos, and some into Cambodia. Even the 379th Division people that we have a contact with want to assist and to help on the POW issue; they are being pulled out this month right after the monsoons.

Right now would be the time for the U.S. Government to try to negotiate this thing with them, and this is what we said. I believe the best way to bring them out now is diplomacy. But five Presidents have not done it; we have not done it from the private sector, and we join forces with the Government here and look what happens. I do not have the answer.

The CHAIRMAN. What I want to make sure other Senators have a chance. Do you want to ask questions of Mr. Bailey now, Senator, and get the rest of the testimony? Could we then hear the rest of the testimony? I do not know who is next, and then we will come back. Why do we not go with——

Mrs. FLECKENSTEIN. Would it be all right if Mr. Gayden testified?

The CHAIRMAN. Absolutely, sure.

Mr. GAYDEN. I will not read my statement; I will just orally present the viewpoints that I wanted to present.

The CHAIRMAN. Your full statement will be placed in the record. I would remind everybody that their full statement is placed in the record as if you had spoken it, and it is under oath.

STATEMENT OF HAMILTON GAYDEN, TENNESSEE CIRCUIT JUDGE

Mr. GAYDEN. Thank you, Senator Kerry, Senator Smith, Senator McCain, Senator Reid, and Senator Kassebaum. My name is Judge Hamilton Gayden. I am a Tennessee Circuit Judge. I am graduate of Vanderbilt University and Vanderbilt Law School, and have been a judge for 17 years.

I am also an author of a book that was published in 1987 entitled, To Circle the Cross, which is a fictional story of an MIA retained in Laos after the war, predicated upon the sinful fact that we abandoned 600 American MIA's in Laos, and that they were not covered by any treaty.

I also introduce to you and have sent you my court officer who works for me during the day, and together we work at odd hours trying to prove that there are live American POW's in Southeast Asia. His name is Khambang Sibounheavang. Khambang is a 10-year veteran of the secret war in Laos. He is a 13th-ranked member of the Free International Lao.

I bring to you a little bit of a different viewpoint. I am not a Vietnam veteran; I have never been to Asia. I advise Khambang and his friends who are part of the freedom fighters internationally what to do with evidence that they have been able to procure from Southeast Asia. Khambang has many contacts, even in his family; even one family member is a ranking member of the Communist government today.

The bottom line is that I am convinced that there are over 300 American POW's. I am going to talk about Dan Borah in a minute. I do not back up from that, but I hear a message from you, Senators; you are tired, and I appreciate your patience. I want to start out at the top and then get off this and not steal the thunder of the Stevens, Lundy, and Robertson families.

As an American, I was part of this, the American end of an escape attempt 3 weeks ago which failed, on October 16, 3 weeks to this day, the gentleman who was interdicted on the shore of the Mekong River was Colonel Lundy. In the process, we were able to gain certain evidence, letters, for the third time, original thumbprints and handprints. These are copies.

We actually have matching handprints and thumbprints, although I will say parenthetically that our government cannot come up with one single set of fingerprints or thumbprints of Col. Albro Lundy. I have come to learn through Albro Lundy, III, that Albro Lundy, was a UCLA basketball player, and having played under Coach Wootten as a sideline, has tremendously big hands and big thumbs. As you can see from this, he has abnormal hands; there is not a man in this building that can match this thumbprint.

Senator REID. That is this man right here?

Mr. LUNDY. No, he is talking about Maj. Albro Lundy.

Mr. GAYDEN. I am going to get on Dan Borah in a minute. Today I gave to the American Legion this morning root hair samples that they have taken, and they are going to run a DNA and report back to this Committee.

I have done this because I think the American Legion is a third-party; they have no interest in whether I am telling the truth. I have no interest in conflicting with Secretary Cheney when he calls us fraudulent and those kind of things. I am not going to get into name-calling.

The CHAIRMAN. A root hair sample on——

Mr. GAYDEN. On Albro Lundy. And we hope that that report will be made to you. We are told that——

The CHAIRMAN. But from where? You have got to help me out here.

Mr. GAYDEN. These hair samples came through the Laotian network across Mekong River, delivered to a freedom fighter, then to my court officer and then delivered to the American Legion this morning.

Senator REID. When was it delivered, John?

Mr. GAYDEN. This morning at 8.

The CHAIRMAN. It was delivered to the American Legion this morning?

Mr. GAYDEN. The hair samples were delivered to us approximately a month ago.

The CHAIRMAN. Now, how would a neutral person looking at this have any way of ascertaining the custody of this? I mean, you are a judge; you are both judges. And for evidence to be probative, you have got to be able to show the chain of custody. Now, how does anybody know where this really came from? That is all I am asking.

Mr. GAYDEN. Senator, you are right, and not to be argumentative, I do not know who all takes these hair samples. I do know, however, that hair samples can be aged; in other words, an expert can tell you whose hairs are 2 months old. That to me would answer the custody, the hair sample custody question, because we know that Colonel Lundy is not running around in the U.S. So to answer that, it can be aged.

The CHAIRMAN. I will get at that later, but it does not really answer my question, but that is all right.

Mr. GAYDEN. At any rate, if it is his hair, and it is 2 months old, I think the logical answer is that this hair, 2 months old, of Albro Lundy, Col. Albro Lundy, is somewhere in Southeast Asia. As far as to who handled it, it came through the network of the—through the network, and I cannot answer that. I am not going to steal their thunder, as I said. We have several handprints and fingerprints.

I will say parenthetically that we had, through a Senate investigator through the Senate Foreign Relations Committee, a free check on fingerprints of four individuals in March of 1991. We were told through an intermediary that the handprints and fingerprints of Colonel Stevens—excuse me, Commander Stevens—and Colonel Robertson were in the files of the Defense Department. And 3 weeks later these gentlemen say they cannot find any fingerprints.

At any rate, I am going to turn now to Mr. Borah. In July of 1990, Khambang, my court officer, received 23 negatives. He also received a message that this gentleman's name was D-e-c-a-e-k-o-s, or B-a-r-a.

We had the negatives developed; we also had other information, his wife's name, his son's name, his daughter's name, and a message that he wanted to come home, but only with his children and his wife, and also with this other man. He would be Bara or Decaekos, as they pronounced it to us phonetically. They handed to me, and I converted the Decaekos to a rather simple conversion. There was a guy, Col. Robert Disenkowski.

We contacted his wife through another intermediary we had in Arizona. His wife lives in Mesa, Arizona. She was interviewed; she could not recognize this as her husband. They gave the picture back to me, and through the process of elimination, and actually looking at this Life magazine that I see here, this one night I was able to identify Colonel Borah. We knew he was from Arizona, but we knew that Disenkowski was probably with this guy. I did see the picture of Daniel Borah, and I immediately thought that was him.

To make a long story short, through various correspondence and, to be as tactful as I could, I got the Borahs to send me pictures. In turn, after I saw the pictures of Dan Borah as a child and as a young adult, I called the Borahs in Illinois and asked them to come down to Nashville. Mr. and Mr. Borah and one of the Borah girls came down to Nashville, and Khambang went out, and we went out and met them. I apologized to them for even intruding in their lives, because they had given up on their son.

And I told them, "I want you to tell us this is not your son, and we will go away; I do not want you to tell us this is your son." That is exactly the way I said it. And they looked at it and said—I noticed tears in the eyes of Mr. Borah, and I noticed a shock in Mrs. Borah.

Senator Reid. Is this the picture right here? You are talking about the middle picture?

Mr. Gayden. No, we are talking about this. So they went back to Albion, Illinois, and called me up and said, Judge, basically, to paraphrase, this is our son. And they said, well, what do we do. I said, well, the first thing I want you to do is tell me about all the family members.

There were five children, and the mother and father. And I said, each of you must say 100 percent, each of you must be convinced. We actually made a video that I got them down in Nashville in my jury room. I was convinced——

Senator McCain. Judge, could you get to the part where we have now got pictures of a Laotian of French blood?

Mr. **Gayden**. The mountain man has been introduced, and of course we all want to believe; the government comes up with a picture of a mountain man and says, this is mountain man, and not Dan Borah. We all want to believe. And they have got that benefit working for them.

I will have to tell you that I gave to the government the picture of Dan Borah, trying to cooperate with them one more time, along with, in that picture, the man they call the business man. I sent a letter, and I will make an exhibit, on July 24, asking for two things to Major Gittins.

[The letter referred to follows:]

State of Tennessee, Tenth Judicial Circuit,
502 Metropolitan Courthouse, Nashville, TN 37201,
July 24, 1991.

Maj. Charles Gittins,
Office of the Assistant Secretary of Defense,
Pentagon, Washington, DC.

Dear Sir: Enclosed please find 1 of 19 photographs of Lt. Daniel Borah. As a comment, the individual alone with him is a Laotian National and his life is obviously presently in jeopardy. We are doing all we are able to protect him under the circumstances; I hope your department will use this photo advisedly even though it has been otherwise decimated.

As you know we have a map depicting where Larry Stevens, Albro Lundy Jr., John Robertson and an unnamed fourth individual were being held as of 6 to 8 weeks ago. Despite pleas from several quarters, Khambang and I have decided that the only useful entity that should be apprised of this fact is the Executive branch of our government in hopes that at least satellite surveillance would be considered.

In relaying this information to you and to Colonel Jordan, I don't pretend to be the beneficiary of forthcoming satellite photographs and interpretations, I am simply making a statement of believed fact that is of import. To reiterate the location of the place where these men are being held: Savoy Island, Vietnam, at the mouth of the Ladda River, completely surrounded by water with no bridge. There is at least one building and believe it is part of the Vietnamese Sea Survival School, and there exists military installations on banks on both sides of the island. Although the map doesn't tell we also believe Savoy Island is in a "Vinh . . ." bay, and is on the coast of Vietnam somewhere near the old DM zone extended. I have confidence others know of this location by map in the Department of Defense.

We are studying the best method to release to the Department of Defense the various affidavits surrounding the Borah photograph as it contains the name of our photographer, and others, and is astonishingly attested to by a certain local Pathet Lao Colonel with an official Pathet Lao Seal. We will contact your Department with a suggestion that we are presently working on through the U.S. Senate Foreign Relations Committee before whom we have agreed to testify.

Khambang and I are willing to cooperate with the Department of Defense circumscribed by other considerations. We are, for example, very concerned over the whereabouts, if not lost or destroyed, of the fingerprints of Lt. Borah; we know the family has been requesting them for sometime.

Regards,

Hamilton Gayden, Khambang Sibounheuang.

(This letter was hand-typed by Judge Hamilton Gayden and no other persons other than the reader is apprised of the location of Americans, by and through either Hamilton Gayden or Khambang Sibounheuang.)

I gave him a letter, I said, you can test it; it is a first-generation negative. I also mentioned, and I am going to come back to that, that Stevens, Lundy, and Robertson were on Savoy Island by way of a hand-drawn map, which is in possession of the Senate Foreign Relations Committee, which you are welcome to have. I asked them for a satellite photo—I am going to this story, and then I am going to get back to Borah.

My contacts told us they brought heavy equipment out to Savoy Island, tore down the buildings, and moved Lundy, Robertson, and all off the island. Back to Borah. Instead of protecting the picture of Borah, the government made copies of it and sent it to the communists; it was on Laotian television. Our people, our——

The CHAIRMAN. Why is that? Hold on. Why is that? They sent it over there to try to trace him, did they not?

Mr. GAYDEN. We asked in the letter, we told them that this guy in the pictures, his life was in jeopardy. Obviously it is in jeopardy. So they put it on Laotian television.

The CHAIRMAN. But let me just ask you, and I am sorry to keep interrupting, but your 5-minute summary is already a 19 minute discussion, and I want to get to the point here. I mean, the question is the evidence, correct? Here is a photograph which you have appropriately brought forward and suggested is Dan Borah, correct?

Mr. GAYDEN. Yes, sir.

The CHAIRMAN. Now, our people have gone out and I gather that the Borah family is flying over, the Government is taking them over—am I correct?

Mr. GAYDEN. No, no.

The CHAIRMAN. I understand they are flying over at their own expense. But what I am saying is that they are going to be taken to this person. Is that not correct?

Mr. GAYDEN. That is right, which of course we would rather be taken to where the person was so he can point out where the picture was taken, and there are some other anomalies, too, that we know about that they do not know.

The CHAIRMAN. Will there not be momentarily a very clear comparison, or am I missing something?

Mr. GAYDEN. You are exactly right. The two Borah sons will be able to look at this man and tell whether it is their brother, of course. And they will be able to take pictures.

The CHAIRMAN. Therefore, what is the issue in terms of this?

Mr. GAYDEN. I am not sure what the issue is.

The CHAIRMAN. Judge, may I ask, here are two pictures, one that you provided, and here is the one that the government took. Apparently this is the same individual, or is it not the same individual?

Mr. GAYDEN. Let me answer you. That is what the Government says.

The CHAIRMAN. I am asking for your opinion.

Mr. GAYDEN. In my opinion, absolutely not.

The CHAIRMAN. These two individuals look strikingly similar.

Mr. GAYDEN. Well, we have showed that in a short period of time to seven experts in the St. Louis area, and every one of them, and I can quote them, that in this photograph, the Government's photograph is probably tampered with.

Senator MCCAIN. The Government photograph is tampered with?

Mr. GAYDEN. That is correct. They have overlaid the photograph, and I have got seven experts, and they are looking, by the way, at a third-generation photograph, not the negatives, which the government has.

The CHAIRMAN. Can you submit to the Committee the names of the seven experts?

Mr. Gayden. I have them right here, sir.

[The information referred to follows:]

Forensic Photograph Analysis

1. Upon initiating this facet of the investigation, Covert Inquiries received, from said client, Five (5) 5 x 7 photos, depicting subject "AHRAO", (purportedly identified as same by the JCRC—CILHI Investigative Team), in the company of another Lao Theung, Mr. Bounthon, and several various team investigators. These photos were received by this reporting agency on 10-23-91. Said Government Investigative Team members purportedly took said photos in Laos on 12 Sept. 91 and subsequently forwarded said photos to the indicated client.

2. In an effort to verify the authenticity of said received JCRC team photos, Chief Chemist, Harold Messler, Laboratory Division, St. Louis Metropolitan Police Department, St. Louis, MO, was contacted who advised following listed evidence technician was the Department's resident photo expert: Police Officer James Stegman, 4986 Magnolia, St. Louis, MO 63139; Home: 314-773-1656; Bus: 314-444-5537, (Also FAX) (Experience—18 years Evidence Technician).

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A subsequent interview conducted with Officer Stegman, during which Stegman examined the indicated photos, revealed Stegman's opinion that said photographs had been retouched in order to add the Lao, "AKRAO", in the photos. Stegman added that dark lines in two of photos, along with inconsistent shadowing on each posed subject, to him, would definitely indicate possible alterations to the original photos and would warrant further investigation as to an explanation of the discrepancies.

3. Continuing the investigation, this investigator interviewed one Mr. Larry Block, Owner-Professional Photographer, thirty years plus, of Larry Block Photography, 10286 Page Blvd., St. Louis, MO 63132; Bus. phone: 314-427-1800, who advised he had on several previous occasions, completed mechanical photo "drop-ins", (slang for the process of altering photos whereby person(s), objects, are added to the original photograph to give the appearance said person(s) and/or objects were present at the time the photograph was taken). Mr. Block, after examining said (5) five photographs, through the use of a magnifying device, related the following listed discrepancies:

a. White male subjects in all photos do not have consistent shadowing with other persons in the same photos.

b. Foliage, under examination, did not match, in the background sections of several photographs.

c. Although the posing of MSGT. Eddie Smith in Pictures Number 1 and 2 is very similar, Photo #1 shows cut-jagged shoulders on Smith as opposed to Photo #2, Smith's shoulders are rounded.

d. Facial lighting on CILHI Rep. Napoleon in Photo No. 5 not consistent with other two males in the photo.

e. Block related that in his opinion said photos are "drop-ins" and said photos have been altered to give an untrue conclusion.

f. Block stated that in order to obtain proof-positive, said photos would have to be examined by a competent photo laboratory—Eastman Kodak, to check for varying grain patterns that would not be conducive to a true print or photograph. Altered photographs would possibly contain different grain patterns due to the different film batches that are distributed.

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4. An interview conducted with Eastman Kodak Corporation, Rochester, New York, per Legal Representative Anne Warner, revealed, after being appraised of the circumstances, that said corporation's laboratory could perform the required analysis. Due to the corporation's present policy of not offering said service unless Eastman Kodak was involved in said litigation or Eastman Kodak was ordered to complete said analysis by a Court-ordered subpoena, her company would have to decline any requested assistance.

5. An interview conducted with Professional Photographer David Stout, Owner-Operator, 12 years, Commercial 35 Laboratory, 2732 Sutton, Maplewood, Missouri, Phone 314-781-7030, and subsequent to his viewing the aforementioned photographs, revealed that Stout also noted several inconsistencies in said photos, (as previously listed, shadowing, black lines, facial lighting, etc.). Mr. Stout then conducted a negative slide enhancement of said photos selecting various points of enhance-

ment, (44 slides). At the conclusion of Mr. Stout's enhancement process, Stout related the following information:

a. Slide #117, Photo #5, Subject CILHI Rep. Napoleon's facial grain structure different than the grain structure in the two Lao's faces. Stout stated that since said photo was not of a first generation print, probable 2nd-3rd generation copy, that it would be hard to raise the grain to the necessary specific degree in order to reach a positive conclusion.

b. Stout advised that possible photo alterations could also have been completed by an electronic/computer process referred to as "electronic imaging".

6. An interview conducted with one Mark Hamel Head Technician, Display PhotoGraphics, 803 Lafayette, Maplewood, Missouri. Phone: 314–961–6622. Revealed, after conducting an examination of said photos, that his opinion/conclusion was that said photos could possibly have been altered through the use of computer enhancing and/or electronic imaging. Hamel could add no further.

7. An interview conducted with one, Joseph Toohey, Chief Technician, Spectrum Image Group, 10835 Midwest Industrial Blvd., St. Louis, MO, Phone 314-423-8111, and upon being appraised of the aforementioned photographs, revealed that his firm did in fact, do electronic imaging on photographs. When questioned as to whether he would analyze said photographs to locate any possible discrepancies, Toohey advised his firm would first have to get clearance from their Legal Department prior to completing that type of request.

8. An interview conducted with one, Jerry Taylor, Assistant Chief Photographer, and one, George Maravich, Chief Photographer, ADSTAT Photo Group, #10 South Broadway, St. Louis, MO, revealed, subsequent to their examination of said photographs, that said photos did contain numerous inconsistencies that would generally give the appearance that said photos had possibly been altered. Maravich stated he was aware that "electronic imaging" was in use in altering, to various degrees, photos to represent person(s) and/or objects not originally in the photo.

October 30, 1991

9. An interview conducted with one, Cynthia Cygan, Laboratory Manager, Photo Touch Up Specialist, Silver Image Group, 4248 Forest Park, St. Louis, Missouri, revealed that the only Midwest company providing electronic imaging for photographs is one, Crosfield Design Systems, Minneapolis, Minnesota, (See Attachment C-1, C–2, and C–3, of this report for imaging particulars).

10. Located and conducted subsequent interview with the following Forensic Photographer—Legal Consultant: Mr. Fabian Sickels, Sickles Legal Photography, Inc., #70 West Sherwood Drive, St. Louis, MO 63114, Bus. Phone: 314–426–2400. Qualifications: Qualified Forensic Expert in photography analysis Federal Court and State Court. Professional Laboratory Owner-Operator since 1945. Prior Combat Photographer, U.S. Marines, WWII. Qualified in all levels Court—Civil Cases—Photo Analysis. Photo analysis completed by Sickels for various Law Enforcement Agencies. Photo Analysis completed in Sickel's Laboratory in presence of Custody Officer/Investigator to maintain correct custody chain.

Mr. Fabian Sickels, upon examining said photos related the following expert opinions:

a. Said photos are of 2nd to 3rd generation copies.

b. Sickels related he could not definitely state said photos had been altered, but due to the various inconsistencies apparent in the photos under magnification, said photographs certainly deserved a more thorough examination which could be completed by him and staff members with the original negatives and 1st generation prints of the indicated photos.

c. Quote: Fabian Sickels, "Photos generate enough suspicion to warrant competent examination of the original negatives and this first generation photo prints."

d. Sickel advised that his laboratory, if afforded the opportunity by the investigating officials, (D.I.A.) (JCRC), while in their presence or at a professional photo laboratory of their choice, also in their presence, through the expert examination of said photo's original negatives and 1st generation prints, could conclude whether said photos are true or not true, altered or not altered.

The CHAIRMAN. Would you, please? They are saying that this photograph of Bill Gadoury is a fake, is that what you are saying to us?

Mr. GAYDEN. In varying degrees from "fake" to "it needs to be studied." They would not accept it on its face. So it is in varying degrees.

The CHAIRMAN. The experts will not accept this on its face?

Mr. GAYDEN. Well, I can quote someone for example——

The CHAIRMAN. So now they are going to introduce this person, correct?

Mr. GAYDEN. Do you want to hear some of the quotes?

The CHAIRMAN. Sure.

Mr. GAYDEN. One of them says, this is the chief photographer for the St. Louis Police Department, in his opinion that "the said photographs have been retouched in order to add the area in the photos."

Mr. Block, another one, through the use of a magnifying device, says, "White male subjects in all photos do not have consistent shadowing with the other persons in same photos; the foliage on examination did not match in the background sections of several photographs; (c) all of the pose of Master Sergeant Eddie Smith in the pictures (1) and (2) is very similar; photo number 1 shows a cut jagged shoulders on Smith, as opposed to photo number 2, where Smith's shoulders are rounded; (d) facial lighting on representative in Napoleon photo number 5 is not consistent with the other two males; (e) Block related in his opinion that photos are drop-ins and photos have been altered to give an untrue impression.

I might add that they refused to give the Borahs the original negatives or a first-generation copy for this hearing.

The CHAIRMAN. Is Bill Gadoury here?

VOICE. He flew back.

Mr. GAYDEN. There are others in varying degrees.

The CHAIRMAN. Were any of you present when these photographs were taken?

VOICE. No, sir.

Mr. GAYDEN. I would also like to make the letter of Major Gittins an exhibit, too.

The CHAIRMAN. Absolutely. All of this will be placed into the record.

Mr. GAYDEN. In closing, we have a lot of evidence; this is not all we have. For example, the hair samples of Albro Lundy. We can afford—we believe 90 percent of this is wrong; if I am wrong with the Borah picture. I am a judge; I was born with an eraser on my pencil, and I will admit it.

[The prepared statement of Mr. Gayden follows:]

PREPARED STATEMENT OF HAMILTON GAYDEN

Mr. Chairman, Mr. Vice Chairman, Members of the Select Committee: My name is Hamilton Gayden and I thank you for this opportunity to discuss our present ability to investigate the existence of live Americans in Southeast Asia. By way of background, I am a State of Tennessee Circuit Court Judge and an author of a novel, a story of an American P.O.W. However, I appear before you as an individual American, not as Judge nor as an author.

I also introduce to you in absentia an American-Laotian by the name of Khambang Sibounheauang. A year and a half ago, Khambang and I formed a pact; we agreed to merge in an effort to gather evidence of American POW's and, if the situation presented, to help in an escape attempt. Khambang is presently in Southeast Asia.

Our original motives were somewhat different although in time our interests have become more similar. My desire was to help liberate live Americans from bondage; Khambang's main interest was to draw attention to the oppressed Laotian people who are being subjected to endless deprivation of human rights and liberties—the POW issue might draw attention to the conditions in Laos and Vietnam today.

At this point, Khambang and I have accumulated considerable evidence: photographs, finger, thumb and hand prints; human hair including "root hair"; signatures, written messages, live witnesses; some of the evidence has been discarded by us as false, other evidence will require scientific testing, i.e., DNA hair analysis and comparison; thumb and finger print comparison and interviews of live witnesses; and we may even be able to provide a live video of American P.O.W.s. We have already delivered considerable evidence to the Foreign Relations Committee, although we admittedly have no clue as to whether that evidence is secure. We believe our evidence to be 90 percent accurate. We also believe we will be able to prove beyond a reasonable doubt the identity of a handful of American POW's, and by a preponderance of the evidence of many other American and allied P.O.W.s. We offer an educated guess that there are as many as 300 to 400 American and allied POW's scattered in small or large groups of camps and guarded villages throughout Laos, Vietnam and possibly southern China.

Our evidence comes from many sources including Khambang's Laotian contacts in Laos and Thailand, military and civilian. (Khambang is the 13th ranked member of the International Free Laotian congress, was a company commander in the Royal Lao Army and is a veteran of the secret war in Laos, 1960–1975.) We also are in contact with an Interpol agent, one ex-CIA Special Forces person who obtained evidence for the United States on POW's in Asia, and a DIA informant, among others.

To address the question of what "our capabilities" are we must draw a distinct line between "Our" meaning Khambang, myself, other private individuals and friends who have had no encouragement or help from the U.S. government. In fact, we believe we are justified in adopting the approach that the U.S. Government is our number one enemy.

In order to understand our government's directive to those agencies charged with MIA/POW affairs, we must come to grips with the ominous realization that the ever-present threat that the Vietnamese and Laotian leaders will disclose to the American people the existence of live Americans who still want to be repatriated is the focal point and driving force for the administration's Southeast Asia foreign policy, and it is this silent yet politically explosive blackmail that dictates the purpose and policy of the government agencies charged with MIA/POW affairs.

The directive from the top is simple: "There are no POW's!" And this is a direct quote from the President, the National Security Adviser and the Secretary of Defense.

The sole quest for accountability is condensed down to delivery of "remains only." This statement paraphrases a Laotian Ambassador who stated to an American businessman that the Laotian government has privately continued to attempt to negotiate for the release of Americans. The program for the agencies is to deceive, discredit, deny, debunk and most importantly, interdict—no live POW's: the goal is for the Vietnamese and Laotians to carry out the final act; dead men don't talk.

Looking at the big picture, the realities are that we are on the threshold of being asked to accept a Southeast Asia Foreign policy where we promote democracy with money and men and women in Cambodia and concomitantly refuel Communism just across the borders in Laos and Vietnam. This inconsistent policy will assuredly lead to needless bloodshed for American men and women and our allies stationed in Cambodia.

In our endeavor to obtain evidence we have had to box from many angles as we have many enemies who do not want the facts to emerge—that there are live Americans still being held against their will.

The duplicity of our own government is unchecked. Why? Because the American people want to believe our leaders. A prime example is the simple pronouncement by the Defense Department that the three men in the recent photograph are Russians. The average person on the street believed it. Yet it is an incredible lie.

Even Khamhang and I, for a short period of time, opted to cooperate with the Defense Department in giving them raw intelligence. The result was that the Defense Department passed the information, against our requests, to the Communists. We also have been told of the Defense Departments' destruction or loss of official finger print files, "red flagging" of recent confirmed live-sighting reports, and "red flagging of live files" all in the past weeks.

The Defense Departments excursions into Laos in search of Donald Eugene Carr is a floor show to deceive—to have the American people think the Defense Department is working on the problem. The way to get Donald Carr and the 30 men he is with out is to give the Laotians an ultimatum or negotiate. And we know, don't we, that the Laotians allegedly found Daniel Borah, the "mountain man", immediately from one photograph passed to the Communists by the same defense department. The Communist have the Carr photo. Why don't they just go get him!

We also know that there is a plan in place to "end-run" this Committee to begin immediate talks with Vietnam. At the time of this writing I am told by an informant that the President himself will unilaterally announce the beginning of talks. The two reasons advanced to justify "immediate talks" is that we are wasting an opportunity to develop oil reserves and because the Laotian and Vietnamese Communists are cooperating on the MIA/POW issue. Simultaneously, we are told in November, Americans being held in Southeast Asia will be removed to an area west of Dien Bien Phu where they will be held pending the progress and outcome of talks to normalize relations, and the Final Solution is tentatively set for January to February of next year. We are told our government is fully aware of this plan, and one of the essentials of this plan has already taken place—the delay of any inquiry by this Committee.

In closing, I am going to quote the Vietnamese Ambassador to United Nations, Ambassador Nguyen Can, who said to a group of us who met with him in the fall of 1989 at the Vietnamese Mission in New York, to paraphrase: We will never be able to account for Americans because your government won't let us.

Senator SMITH. Was any recording made on anything other than just a photograph?

VOICE. He was fingerprinted.

Senator SMITH. Do we have Borah fingerprints, Dan Borah's fingerprints?

The CHAIRMAN. Was video taken or was it only stills?

VOICE. Still photography.

Senator SMITH. Do we have Dan Borah's actual fingerprints?

Mr. GAYDEN. Senator Smith, the answer to that is after 6 months, they showed up. But the Borah family does not fully accept those as being true fingerprints of Dan Borah.

Senator MCCAIN. So it is your allegation that the U.S. Government has tampered with the photograph in order to make these two people look alike. Because these photographs look incredibly alike.

Mr. GAYDEN. I am relying on experts, Senator McCain. I am admittedly not a photograph expert.

Senator MCCAIN. Well, an expert identified this first picture, a forensic expert, as being Mr. Borah.

Mr. GAYDEN. Which brings me to this question. We also have the picture of Larry Stevens which came out of the Denver Post.

Senator MCCAIN. Focusing on Mr. Borah right now, OK?

Mr. GAYDEN. It seems to me an independent expert, with a $1 million budget that this Committee has, an independent expert could be hired by you guys to find out the truth. Because they are going to say one thing, and probably we are going to say another.

The CHAIRMAN. Wait a minute. The Borah family is about to meet this person, correct?

Mr. GAYDEN. That is correct.

The CHAIRMAN. Are you going to say that that will not settle it?

Mr. GAYDEN. Absolutely.

The CHAIRMAN. You do not think that will settle it?

Mr. GAYDEN. If the Borah sons come back and say, no—no, I take that back. If they say that it is not Dan Borah, there are several other possibilities. For example, they have got the report of the names; they are totally wrong. The names they use for the wife and the children are absolutely wrong. The place where the picture was taken is not correct either. And so they either do not know——

The CHAIRMAN. Wait a minute. Let me just suggest, okay, that when DIA goes back there, they take every possible angle photograph, they videotape it, they bring this back to us in the most complete manner possible so that this issue does not gain a life of its own. Is that possible? Can we somehow wire them over there and make sure that happens?

Because certainly to my non-expert eye, but being in politics, we look at a lot of photos. These look like the same human being to me, and I think it is very important, obviously, because that will, I think demonstrate; I do not know what more they can possibly do at that point in time. Would that begin to help satisfy you if the entire event were videotaped?

Mr. Gayden. I think it is going to be videotaped. Our people are taking videos over and cameras. They are going loaded, too. And that does not mean that that is the only piece of proof we have, a plethora of proof we will offer through the Senate Foreign Relations Committee.

On the Stevens picture, one last word. The Stevens picture that came out this week, that Michael Charney says is Stevens, the Government is going to say obviously it is not Stevens. I would say why do you guys not get together and hire an expert? Let him tell you; let a third party tell you. That is the way we do it in our court, instead of us throwing stones at them and them throwing stones at us.

The Chairman. What do you mean by hire an expert?

Mr. Gayden. Let the Committee hire their own expert to take the Stevens photo and say, tell us——

The Chairman. On the Stevens photo, we are going to do analysis on these other photos, absolutely. But I want to wait and see what transpires on this Borah photo. But absolutely, on the Stevens photo, we will look at that as carefully as we can, and also on the other photos that, the Robertson, Lundy, Stevens photo, the joint photo.

Can I ask, could we hear the testimony from Al Lundy and company? Or Gladys, are you going to go first?

STATEMENT OF GLADYS STEVENS FLECKENSTEIN, MOTHER OF LT. COMDR. LARRY STEVENS

Mrs. Fleckenstein. I do not think I need to even read what I have written because Judge Gayden did come out with a picture of my son. I have had that completely ID'd. We had it blown up. This is the blow-up.

The Chairman. Just for the record, so everybody knows who you are talking about.

Mrs. Fleckenstein. This is my son, Lt. Comdr. Larry James Stevens at a young age. This is the picture that was brought out, that Judge Gayden brought out. He would be 49 years old next month. I believe it is my son. I have had it analyzed by Dr. Charney, who has analyzed it not only one time, but two times. We have also had another private source analyze it, by the name of Tom Wilson from Pittsburgh, and he has definitely ID'd it.

I also was waiting for the Government to analyze it, because when they found out Dr. Charney had done the analysis, it was sent to the DIA, and in return they sent it back to me as of September 16, saying that they would not accept an independent source, but that they would do their own analysis.

The CHAIRMAN. I am sorry, I did not mean to interrupt you, Gladys. I did mean to, but not rudely. But, Judge, you brought that out, is that correct?

Mr. GAYDEN. Well, "you" is a euphemism for the Lao contact. I am actually the American depot for the Lao. It was brought out by Laotian freedom fighters.

The CHAIRMAN. It was brought out by a Laotian. When was that brought out?

Mr. GAYDEN. Probably I would say in May, May 1991.

The CHAIRMAN. Of 1991.

Mr. GAYDEN. Yes. On the back of the photograph, I believe, is written September 1990; it was taken on Savoy Island.

The CHAIRMAN. And this Laotian who gave this to you, have you had prior contact with this person?

Mr. GAYDEN. He came to the U.S. in February, and I met him personally.

The CHAIRMAN. Who paid for his trip to the U.S.?

Mr. GAYDEN. He paid for it himself. His son lives here in South Carolina.

The CHAIRMAN. I beg your pardon?

Mr. GAYDEN. His son lives in South Carolina.

The CHAIRMAN. He brought that with him when he came?

Mr. GAYDEN. No, he did not. He sent it in May. He came here in February, and that came later.

The CHAIRMAN. Was there a full articulation of precisely what his route of acquisition was?

Mr. GAYDEN. Yes, he came from Vietnamese friendlies, who may be dead, by the way, as of 3 weeks ago; a Mrs. H-o-a, who was in the 5-page code that is also with the Senate Foreign Relations Committee, and a major and a Vietnamese general. These three individuals were responsible for bringing Albro Lundy to the banks of the Mekong River, where they were interdicted 3 weeks ago.

Mrs. FLECKENSTEIN. I would like to finish my statement. As of September 16, I received the information from the Defense Department that they didn't accept the picture which had been analyzed by Dr. Charney, and that they would analyze it themselves. I waited up until now. I've called and called trying to get that analysis to me, which I did not get, and didn't know about until I arrived here yesterday morning and it was handed to me by Major Gittins.

My son from California had been on the phone to Dr. Carl Ford, and he wouldn't even speak to him about this issue, but did get to his aide. The aide said it would be in the mail, and I needed that information before I got here, so I was pretty upset about that.

The CHAIRMAN. Well, they are going to come back next week to respond to a lot of the other things that have been set forth here. And so I can promise you that that will be on the agenda when they do come back.

Senator REID. Mr. Chairman, what information did she want?

Mrs. FLECKENSTEIN. I wanted the analysis done by the Defense Department on the picture of my son that you're looking at here. In the conclusions in the report that we did get from the DIA, I only read the first two lines. I think that says enough. But it says I cannot say whether or not the service record and purported images show the same man. The man in the two images do look somewhat alike.

At the end they say, finally, I am concerned about the technical foundation upon which Dr. Charney has made his identification. Again, I say I positively believe Dr. Charney. He has done two different analyses on it. He went public with it on live television in California, I saw it on channel 4, stating that he had the analysis and it was my son, Lt. Larry Stevens.

And that's about all I need.

The CHAIRMAN. Let me ask you a question. How do you balance that kind of an analysis against—and I just ask you this personally—how you balance that kind of analysis against the fact that we know that some of these photos—in fact, four of them, it appears, are fraudulent. We have seen the actual photograph from the Soviet magazine. How do you deal with that?

Mrs. FLECKENSTEIN. I can deal with it very well. For one thing, this second picture that came out of my son, his father has been dead for quite a few years. My grandson took a look at this picture and he disappeared for a while and came out with a picture of Larry's father. And I was in shock at the complete, total likeness of his father, who would have been approximately the same age as Larry is today in that photo.

And that certainly was another convincer to me.

The CHAIRMAN. But does part of you sort of steel yourself for the potential that there are some hoaxers out there, and somebody might be taking advantage of you?

Mrs. FLECKENSTEIN. I am quite sure that there could be people out there working the situation, because we have heard of that. Yes. But in this instance I have—Dr. Gayden has brought this picture out. It was taken in 1990 in September. It has been totally analyzed by three different times.

The Government has not said yes or no in this report from them.

The CHAIRMAN. So, therefore, obviously, you——

Mrs. FLECKENSTEIN. I have to accept it. That is my son. Because it is. That is my son. I have been fighting for 22½ years to find that boy, because I've always felt that he was alive. Now here he is in this picture. And I have to say again, you mentioned the report of the three men in that picture. Well, we got conclusions from that too. I still state again before this Committee that that man in the three man picture on the right-hand side is my son taken at a much earlier date.

He is the image of his younger brother. I am positive that both of those men are the same. When you put the pictures up and really analyze them against that picture and the ones that I do have, you can see the resemblance.

But I do want to say that in conclusion of the three man picture, this comes from Sandia Laboratories, this is the Government's analysis on that three man photograph. And I have to read this to you. It says I—now, they sent me a 19-page letter trying to tell me that this picture was taken after World War II; they're Russians, in Russian uniforms. They have guns. But their conclusion, after all of that: "I cannot prove that this photograph is a hoax, but I believe there is substantial evidence that rifles are being held. It doesn't make sense that captive POW's would have their picture taken holding weapons. This, however, is conjecture on my part. I have found no evidence that this photograph has been tampered with.

"I also have found no evidence that it is tamper-free. I recommend a continued historical literature search to locate the original image."

Now, again, let me repeat, "I cannot prove that this photograph is a hoax." This is from the DIA, Department of Defense.

The CHAIRMAN. I understand that, but they did find that the signed piece of it had been taken——

Mrs. FLECKENSTEIN. We've never paid any attention to that sign. The only thing we paid attention to are the three faces in that picture, and you will have their testimony as to their feeling about that.

The CHAIRMAN. Now, is it your—just so I understand these pictures correctly, the picture on the left is the one similar to the one right here in front of you. And that is the recent picture that you say that the Judge brought out?

Mrs. FLECKENSTEIN. Yes.

The CHAIRMAN. And the other picture in the middle is the one that you say, that is the one I recognize from the three person picture?

Mrs. FLECKENSTEIN. Yes. That's the one—the one on the right-hand side of the picture. That is my younger son.

The CHAIRMAN. I beg your pardon?

Mrs. FLECKENSTEIN. This is my younger son on the right-hand side.

The CHAIRMAN. I understand that. But the picture in the middle.

Mrs. FLECKENSTEIN. Yes.

The CHAIRMAN. You are saying that the picture in the middle is the same person as the picture on the left?

Mrs. FLECKENSTEIN. Yes. I definitely think so. But I think it is at the time of aging in there. I think this picture was taken quite some time ago. But the three men have been seen, as Dr. Gayden has just said. And we know those faces are real. They are our men.

[The prepared statement of Mrs. Fleckenstein follows:]

PREPARED STATEMENT OF GLADYS STEVENS FLECKENSTEIN

Members of the Senate Select Committee. My name is Gladys Stevens Fleckenstein. I am the mother of L/CDR Larry James Stevens. After taking off from the USS Coral Sea, Larry was shot down in a night action over the Ho Chi Minh trail in Laos on February 14, 1969.

Eye witness reports from three U.S. fliers who saw the crash of Larry's plane state they picked up a 5 to 10 second beeper signal 2 or 3 minutes after Larry's plane impacted the ground. They are positive the signal came from Larry.

The official report from Larry's commanding officer on the incident stated that he felt the chances of Larry's survival were good. A navy man, John Hamill, Lemoore, California, who was aboard the Coral Sea on this same cruise told me that the ship's crew was told that Larry "punched out" immediately and was known to be alive on the ground. These and other data throughout the years only strengthen my belief, Larry is alive.

I have always felt in my heart that my son survived the crash. Now I have that proof. After 22½ years of searching, traveling to Paris, Geneva and Laos, flag raisings, speeches, and doing whatever I could do to keep the awareness about our LIVE POW's before the public. We have spent everything we have had over the years and now I have reached the end of my quest to find my son. We have found Larry Stevens. I have a picture brought out by a source of the Three POW's in my possession. The man on the right is my son. I have a new LIVE POW picture, of Larry wearing a blue shirt, brought out by Judge Hamilton Gayden's sources. This blue shirt POW photo has been positively identified by Dr. Charney of Colorado Springs, Colorado. Larry Stevens has been positively identified by a second forensic expert, Thomas Wilson, of Pittsburgh, Pennsylvania. (Documentation of photo I.D. attached.)

My family and friends who have men in a "missing" status have long felt that the U.S. Government, and especially the DIA, are not aggressively pursuing the data and evidence that support our belief that live Americans remain captive in Southeast Asia today.

One single fact shows the most damning proof that DIA is not serious about finding live POW's. Using information that DIA had been sitting on for 6 months, the families contacted a source known to the DIA for those 6 months, talked with him by phone, flew to his home in California, and were given a copy of the Three POW Photo showing the three men, and which had the names of Colonel Robertson and L/CDR Stevens on the back. All of this was accomplished in well under 72 hours from the time news of the sighting report was first received by the families on November 8, 1990. Yet, in a letter dated December 10, 1990, a month later, Deputy Chief Trowbridge states DIA is still trying to interview this same source.

In support of my belief that DIA is remiss and not doing a adequate job on the POW/MIA issue, I offer the following:

1. DIA has over 1,400 first hand live-sighting reports which claim that live Americans are being held against their will. These 1,400 reports are classified and are denied to the families and to the American public (including Members of Congress).

Why should reports of incidents that occurred 20 to 25 years ago remain classified? Is it "national security" matter or is LIVE POW information being classified in order to cover up DIA's ineptitude?

Worse yet, these files denied to the families have been TURNED OVER TO HANOI.

2. The Tighe report specifically charges DIA to have a mind-set to debunk all live-sighting reports and states that evidence proving LIVE POW's exists, remains classified and is hidden from the families and from the several congressional committees which have oversight responsibility.

3. The 5-page letter submitted by then Chief of the POW/MIA section of DIA, Col. Millard A. Peck, makes the same charge.

4. The interim report as well as the final report by the "U.S. Senate Committee on Foreign Relations Republican Staff" document in detail similar allegations.

5. DIA and the IAG (inter agency group) have launched a concerted and continuous attack to debunk the identification by family members of at least five military men whose reported photos have been made public lately. The names of L/CDR Larry Stevens, Col. John Robertson, Maj. Albro Lundy II, Lt. Daniel V. Borah Jr., and Maj. Donald G. Carr (all names appearing on official MIA lists) have surfaced along with photos and reports which claim these American military men are still alive. Instead of trying to deny these men are alive, the DIA should send out their teams to follow all available leads.

Our men shot down and captured are advancing in age. We need the WILL to find them NOW and bring them home AT ONCE. Advancing age, disease, confinement and possible torture are not conducive to their health and well-being. DIA's most urgent task is to send investigative teams to the prison sites and caves where indigenous people have stated that live Americans were observed being held against their will. I feel this may be our men's last hope to ever see their homeland again. It is up to you, the newly formed Senate Select Committee, to BRING THEM HOME NOW.

STRANGE HAPPENINGS THAT PUZZLE ME

1. The FBI claim they have no fingerprints for any of the men in the three POW photo. Yet, all three men have held high security clearances. It seems strange that the Los Angeles Hall of Records have a birth certificate of my two younger sons, but not one of my POW son, Larry Stevens. The same situation exists with hospital and DMV records. (See the Fingerprint Saga, attached.)

2. DIA sends us a tape and written material in a foreign language. When we request an English translation, DIA sanitizes all names and places in the returned English version, but leaves this data in the foreign copy.

3. Instead of helping the family members, DIA forces us to prove time and time again that our men are alive, while DIA classifies all the records we need.

DIA claims that the pictures of the 3 men is a hoax and yet they cannot prove it. I received a 19-page report from Sandia Laboratories and their conclusions which I would like to read to you.

"I cannot prove that this photograph is a hoax, but I believe there is substantive evidence that rifles are being held. It doesn't make sense that POW's would have their picture taken holding weapons. This however is conjecture on my part. I have found no evidence that this photograph has been tampered with. I also have found no evidence that it is tamper free. I recommend a continued historical literature search to locate the original image." Let me repeat part of the first line—"I cannot prove that this photo is a hoax."

Regarding the purported picture of L/CDR Steven's alone, Sandia Lab's state: "I cannot say whether or not the service record and purported images show the same man. The men in the two images do look somewhat alive. Sequence 1 on the video tape documents this. However, sequences 2 and 3 on the video tape show that an imposter can also be photographed to look somewhat like the service record and purported images. The increased width in the purported image compared to the service record images of the test subject as a youth and as an adult. Age and weight gain did not increase the width. Finally, I am concerned about the technical foundation upon which Dr. Charney has made his identification."

Dr. Charney has positively identified my son's picture two different times and I believe in his analysis one hundred percent.

I have fought the fight all these years when our government should have brought my son, and all LIVE POW's home and as full as possible accounting of those who perished. Last, they flew me out over the Ho Chi Minh Trail, Laos, and I left my heart and my son in that lonely and foreign land.

At the very best what is going on here is gross incompetence starting with Carl Ford and leading to President Bush.

At worst, there is an active government cover-up.

Gentlemen, if there are any real men left in the leadership of this country, I call on you now to stop this pathetic charade and bring my son, Larry Stevens, home.

Larry has managed to get his picture out. What more can he do?

The Chairman. Let me hear from the members of the Robertson/Lundy/Stevens—or let me hear from the Roberts and Lundy family here.

STATEMENT OF SHELBY ROBERTSON QUAST, ROBERTSON FAMILY MEMBER

Ms. Quast. I'm Shelby Robertson Quast. I'm here speaking on behalf of Col. John Robertson. What we've chosen to do is share my testimony with my sister, Deborah Robertson Bardsley, because she just recently returned from Hanoi, and has some interesting things to share with you.

Tomorrow marks a year anniversary since I first got this photograph. And, in marking that anniversary, what I want to do is I want to set the record straight. There seems to be some confusion throughout the world. We continually hear that this photograph is a hoax. That it's a fake. That people believe that we found this photograph in a Soviet magazine.

The Washington Post ran a story yesterday that, once again, it was in a Soviet magazine. It was a Soviet baker. Let me quote Carl Ford. Let me quote Colonel Cole. Let me quote Bob Sheetz, Susan Strednanski, the Defense Department press person. That picture has never been found in a Soviet magazine.

I guess I'm asking for some help. We have said this so many times, yet I continue to hear it's been in a magazine. It's simply people don't want to hear that. And I would like to, for the record, set it straight. It has never been found to be a fake or a hoax, or ever found in a magazine.

The Chairman. The picture of the threesome together?

Ms. **Quast**. Absolutely.

The **Chairman**. You are absolutely accurate. That is correct. It has never been found in a Soviet magazine, and it has not yet been proven to be a hoax. And that is——

Ms. **Quast**. Excuse me. If I could, I want to just ask one thing. Could you—I would prefer that you don't say it hasn't yet been found to be a hoax.

The **Chairman**. Well, what I am saying is that the DIA has found inconsistencies that they have cited.

Ms. **Quast**. But what they have found and what they have reported to me——

The **Chairman**. I was simply using the words that Gladys used that she read from them. That is all.

Ms. **Quast**. OK. Yeah. What's been reported to us is the fact that the sign has indeed possibly been altered or added. That's not something that we want to say has not happened.

The **Chairman**. That is correct. No judgment has been made to the Committee's understanding.

Senator **Reid**. I thought—in fact, I think I met this young man in an elevator. He was carrying around a picture of his father. He is a lot older than he looks, too. But, anyway, after I saw him I read that this came out of a Soviet magazine. Where did this come from?

The **Chairman**. There were several photographs that came out in one package, so to speak, from the same source.

Ms. **Quast**. I'm going to address that entire thing, actually. I'm going to address it in the testimony. If I could do that, I think I will answer your question, Senator.

The **Chairman**. Go right ahead.

Ms. **Quast**. I would like to just continue to set the record straight, and it addresses that point. This photo came out from several sources. Not just one. The list includes foreign officials. It includes a monk. It includes a shaman, a general, a teacher. A towel merchant happens to be included in that list.

The photograph was first received in November, and that was through a Cambodian refugee. It was not in combination with the other four photographs. The second picture received from site two by an American was also not in connection with those other four photographs.

Admittedly, there might be somebody who got a hold of one of the copies of the photograph and is marketing it, but I want to be clear, this has come through several sources, and one of them was tied with the other four photographs. While I was in Cambodia I did see those four photographs. Only one of them had an altered date on it at that time. Something has been added since they came out to Thailand and back to the United States.

When we got this photograph in November and it was identified as being my father, what we did was we decided to work backward and based on the photograph to see what evidence existed that may show that my father is alive. And I just want to tick off quickly what that evidence is. My father, Colonel Robertson, was a Vessey discrepancy case, defined by Gen. Vessey yesterday as last known alive.

Two, a villager, a Vietnamese villager, stated he captured a bright-haired pilot in September 1966. Another man in the same province but from another village talked of capturing a dark-haired pilot. Only one plane went down in that province during the entire time of the war.

The villager who stated he captured a bright-haired pilot took the pilot to his home and, while waiting for officials, had a conversation in English with this pilot. My father's backseat pilot, Hugh Buchanan, who's dark-haired, said he never had a conversation in English when he was captured before the officials came to pick him up.

Senator Reid. Say that again.

Ms. Quast. There are two pilots in the plane. My father had blond hair. His backseat pilot, Hugh Buchanan, had dark hair. In one province there are two reports of two pilots being possibly captured, one with bright hair, one with dark hair. And what I'm saying is that a villager who allegedly captured the one with bright hair said—had a different story of capture than Hugh Buchanan, who came home a returned POW, experienced.

There is one other discrepancy between the two captures. And that is, Hugh Buchanan was captured by somebody he felt would be in his forties right now, while the man who captured the bright-haired pilot was apparently in his 70's.

Congressman Pete Peterson testified under oath before the House Committee that he was interrogated with my father's I.D. card and dog tags, both of which were in impeccable condition. There was an interrogation report in our file, and it describes the capture of a U.S.——

Senator Reid. I am sorry. Congressman Peterson was?

Ms. Quast. He was a POW.

Senator Reid. But you say he was interrogated. And what about the dog tags?

Ms. Quast. He was interrogated with my father's dog tag and I.D. cards. He was pulled out and he was individually pulled out and asked how he knew Colonel Robertson. And he was shown my father's I.D. tag and dog tags. At that time, he said they were in impeccable condition and he could only assume that the body or person of my father was also in the same impeccable condition. He never did see my father, though.

Hugh Buchanan never stated Robertson went down with his plane. He stated he did not know what happened. My father's commanding officer felt that Colonel Robertson could have survived the crash and been taken prisoner. Successful experience ejecting from a burning aircraft was something that my father had before. In Germany he did the same thing and was commended for that.

He was a category two. His supposed remains that were returned were actually found to be an animal bone and a rock. The remains of Colonel Robertson have never been returned to the United States or identified in Southeast Asia.

In August 1990, DIA received a live-sighting report on my father. In October 1990, they received a photograph with my father's name on the back, as well as Lt. Cdr. Stevens, as well as fingerprints. The photograph was positively identified by the family.

I traveled to Cambodia with that and spoke with the man who said that he had been a guard at my father's prison and had allegedly spoken with my father. DIA received over eight live-sighting reports stating that my father was seen somewhere in—throughout Laos, Cambodia and Vietnam.

And my sister also traveled to Hanoi and spoke with the person that felt the person he captured could have been my father.

This is all proof that goes to substantiate why he could be alive. The only thing that could possibly substantiate his death is a villager report that said he disintegrated in the aircraft. Yet, my father's file is one of the Vessey 57 discrepancy cases where fate has been determined. There's a lot of evidence to suggest my father could still be alive, but they still closed the case.

I want this case to be returned back to an active discrepancy case, or I'd prefer that the Committee take a look at the file and see if there is indeed evidence to have found fate determined in that case.

The reason that this concerns me as much as it does is the emphasis on the road map—that the road map places on resolving discrepancy cases. It states that the Vietnamese need to cooperate fully to resolve the discrepancy cases, provide witnesses to resolve these cases. However, what I was hearing the last 2 days from various people testifying is if we ever receive a live American from Vietnam we will never normalize.

I'm just asking what the message is we're sending, because I'm confused. It sounds like we're saying, if you ever return a live American we'll never normalize with you. But if you want to normalize, we have to resolve the discrepancy cases. And I'm just hoping the Committee can clarify that for me.

The third part I just want to touch upon is quickly to address the access to information. I have been promised at a very high policy level access to my father's file, but denied access by those people that have testified before this Committee when I went to see the file. I'm asking what is the policy and who actually runs the show for the POW policy.

We've been told that families have access to all information in the files. In our case, that's simply not true. There is another photograph that's not the same. We saw that at the Defense Intelligence Agency, and we simply have not been able to see the report that that photograph came in with. There is an October 18 report that was sent to the Stevens family about Robertson, yet we've not received it.

There's also another—the analyses of the photo we have not received. The reason I'm bringing that up is our casualty officer went into the Defense Intelligence Agency this morning, compared notes, and gave us a report from 1988, but those three are still missing. What I'm saying is I don't believe the family is indeed getting all the information.

The last point I just want to touch upon is I've spoken to people in the DIA POW office. This person is in a position to know. I feel that what they told me was when Mike Peck was in office—I just want to state this for the record—that there was more excitement and more interest toward the live POW issue during Colonel Peck's tour than at any other time, either prior or after his tour.

Mike Peck stepped outside of Pentagon policy when he let me talk to a source and actually get this photograph. And he did something that was extremely decent. When he walked out of the Pentagon with me that day he knew he had just kissed his career goodbye. I just want to say I hope that we can look at the policy that enables people to keep this secrecy and not let that happen again.

[The prepared statement of Ms. Quast follows:]

Prepared Statement of Shelby Robertson Quast

I am the daughter of Col. John Leighton Robertson, POW. I will testify on behalf of the Robertson family. I want to state for the record that the Robertson/Lundy/Stevens photo has never been found to be a fake or a hoax. It has never been found in a Soviet magazine.

I will present compelling evidence that Col. John Leighton Robertson could still be alive and in captivity. My father is currently included in the 57 Vessey Discrepancy cases where fate has been determined. There was no basis for this decision. My father's case should be taken out of this category and put back into the active discrepancy cases. I have requested that this be done numerous time and I am hoping that the Select Committee will feel compelled to help me.

I would also like to discuss the emphasis the State Department's places on resolving the discrepancy cases in the road map for normalization with Vietnam. It appears that the Vietnamese may be pressured into resolving these cases even when there is not credible evidence to do so. My father's case is a strong example of this.

There seems to be a great deal of confusion surrounding who actually runs the show regarding the POW issue. It seems that DIA's special office for POW's can override decisions and policies made at a much higher level. DIA's special office for POW's has not provided the Air Force casualty officers or the family with all the reports they have received despite repeated requests, and they continued to deny access to analyses that have of the Robertson/Lundy/Stevens photo.

Why is policy still in place that enables the POW issue to be surrounded in a shroud of secrecy?

There are a lot of questions surrounding the POW issue and I am asking that you help us get to the truth. It may be difficult to navigate around the policies and economic pressures to normalize but it is our responsibility to get to the truth regarding our POW's, mine as a daughter and yours as Members of the Select Committee on POW/MIA affairs. My father deserves at least that much.

There is compelling evidence that Col. John Leighton Robertson could still be alive and in captivity from the Vietnam war.

Vietnamese villager stated that in September 1966 he captured a pilot with "bright hair" while a man from another village within the district talked of capturing a pilot with dark hair. Colonel Robertson had blond hair while his back seat pilot had dark hair. The villager felt he recognized a photo of John Leighton Robertson as the "bright haired" pilot he captured September 16, 1966. (Documented on October 1991 trip to Hanoi. Film footage available upon request from Deborah Robertson Bardsley.)

Villager stated that after capture of "bright haired" pilot, he walked him to his home; while waiting for officials a college student came and had a conversation in English with the "bright haired" pilot. Hugh Buchanan did not speak to anybody who spoke English while waiting for officials.

Could it be that two pilots were indeed captured September 16, 1966 and that the student that spoke with the bright haired pilot was one of the students from the Super phosphate plant sighted in the attached CIA document. The pilots taken to this plant were reportedly handed over to the Soviets and Chinese. Is it possible that Colonel Robertson went into a separate prison system from the initial point of capture—and that records may have been altered from the beginning.

The villager who captured the dark haired pilot is now in his forties, Hugh Buchanan stated that the villager who captured him in 1966 was in his twenties. The villager who captured the "bright haired" pilot is now in his seventies.

Vietnamese official stated he knew of the villager that captured Colonel Robertson.

Interrogation report No. 503-68 included in Colonel Robertson's file, provides information concerning the observation and description of a U.S. pilot downed over BAC Giang Province, NVN. The description of a blond haired pilot in his forties could match that of Colonel Robertson, but not Hugh Buchanan. Hugh Buchanan was 21 and Colonel Robertson was 36 in 1966.

According to district officials in Vietnam, only one plane crashed in this province during the entire period of the war. Two individual pilots appear to have been captured in this province September 16, 1966, not just one.

Congressman Pete Peterson, former POW, testified July 31, 1991 under oath before the House Subcommittee on POW's that he was interrogated with an ID card and dog tags, both in impeccable condition, belonging to Colonel Robertson.

How did the Vietnamese get the ID card and dog tags of Colonel Robertson? If Colonel Robertson went down with a fiery aircraft, how did his ID card and dog tags survive the crash without damage? How did the Vietnamese know that Colonel Robertson knew Pete Peterson. They were not in the same squadron, but know each other prior to Vietnam. Is it because Colonel Robertson questioned his captors about the fate of Pete Peterson who had been shot down 6 days earlier?

Lt. Hugh Buchanan never saw Colonel Robertson after Lieutenant Buchanan ejected. Hugh Buchanan never stated that Colonel Robertson went down with the plane. Hugh Buchanan is available for comment.

Colonel Robertson's commanding officer felt that Colonel Robertson could have certainly survived the crash and been taken prisoner. He extended his MIA status beyond the 12 month reevaluation period.

Colonel Robertson had experience successfully ejecting as a pilot is less than ideal circumstances. In 1956, while stationed in Sembach Germany, his plane blew up in the landing pattern. He safely ejected from his aircraft at less than 300 feet above the ground, he was awarded caterpillar wings for a successful forced ejection below 300 feet. Colonel Robertson was continuously evaluated as being level headed, even when under extreme pressure.

Colonel Robertson was classified in category 2—a status reserved for men about whom the U.S. government had suspicion that the enemy had further knowledge.

Colonel Robertson was listed as one of the 119 Vessey discrepancy cases. A U.S. team traveled to Vietnam to "resolve" the discrepancy case.

March 1990 JCRC investigation of case 0459 (John Robertson). Team spoke with villagers that had several contradictory stories. The team chief stated that the villagers were nervous and hesitant to provide any information regarding this case. The U.S. Hanoi office recently stated that they suspected the villagers had been coached as to what to say. Not one of the villagers saw a dead body, yet "alleged" remains were turned over to the U.S.

April 1990, the Vietnamese returned the above mentioned "alleged remains of Col. John Leighton Robertson. Upon investigation of Box 2 with the name John L. Robertson attached, received during the April 10, 1990 repatriation, CILHI found the skeletal material consisted of three bone fragments, all of them from a large mammal the size of a horse or cow. In addition there was a piece of non-bone material, possibly a rock. No remains were received in this repatriation that can be identified as Robertson. No remains identified as John Leighton Robertson have ever been returned to the U.S. or identified in Vietnam.

Vessey discrepancy case of Colonel Robertson became one of the 57 Vessey discrepancy cases where fate had been determined, this determination was agreed on by the Interagency Committee. Vietnam states at every opportunity that this case has been resolved. Resolution of the Vessey Discrepancy cases is an integral part of the State Department's roadmap for normalization with Vietnam. Vietnam may be under pressure to resolve discrepancy cases even when they do not have any evidence to accurately or truthfully do so, the Interagency Group, DIA and JCRC did not question this flagrant lack of evidence, but agreed with the inaccurate analysis. Why? Is it possible that the groundless analysis used to "resolve" the case of Colonel Robertson was a calculated effort to further the normalization effort?

August 1990 DIA received live-sighting report of Col. John Robertson and LCR. Larry Stevens.

October 1990. DIA received faxed copy of photo and another live-sighting report of Colonel Robertson and LCR. Stevens. The photo had the names of these two individuals written on the back. This photograph was accompanied by finger and palm prints allegedly of Col. John Robertson. However, the finger prints of John Robertson, Albro Lundy and Larry Stevens are missing from ALL U.S. government files. No comparison can be made to the finger prints received. Where are the finger prints? Why were they removed from the files of each of the men pictured in the photograph?

The Robertson family positively identified the photo as being that of Col. John Leighton Robertson.

Shelby Robertson Quast traveled to Cambodia and spoke with a man who claimed to have been a guard at a Vietnamese prison camp where Colonel Robertson was held. He claimed to have spoken directly with Colonel Robertson and identified him as the man on left of the photo.

DIA has received over seven live-sighting reports of Colonel Robertson, of which I am aware. DIA had knowledge of the person who allegedly took the photo and where the photo was taken. Copies of these reports are available on request. The location of the place of captivity was independently reported to us by a retired NSA crypto linguist, prior to receipt of the first hand report that DIA has in its possession (DIA denied to Shelby Quast ever having this information). This report available upon request.

October 1991. During trip to Hanoi, Deborah Robertson Bardsley spoke with villager who claimed to have captured "bright haired" pilot that he identified as likely being Robertson.

Independent analysis of the Robertson/Lundy/Stevens photo and a photo of Colonel Robertson taken prior to September 16, 1966, finds identifying matching points of Colonel Robertson and the person pictured on the left in the Robertson/Lundy/Stevens photo identified as Colonel Robertson. This analysis includes an identifying mark that has increased substantially in size when compared to photos taken prior to September 16, 1966. This shows that aging has occurred. Presentation of identification analysis and video footage available upon request.

The above evidence as to why Col. John Leighton Robertson could still be alive and in captivity is very compelling; yet Colonel Robertson is still listed as one of the 57 discrepancy cases where fate has been determined. The only evidence to support this finding of fate is the contradictory statements of Vietnamese villagers.

Shelby Robertson Quast has requested numerous times that the analysis used to determine the fate of Colonel Robertson be reviewed. The case of Colonel Robertson should be returned to its original discrepancy status; there is absolutely no evidence to support the analysis that led to the determination of fate; while, to the contrary, there is information to support the fact that he may be alive.

State Department's Road Map for Normalization

Phase I of the State Department's road map for Normalization with Vietnam.

After the signing of the Paris Agreement for a Cambodian political settlement Vietnam must:

> —cooperate fully to resolve quickly the remaining unresolved "last known alive" discrepancy cases through unilateral efforts, to include providing the necessary witnesses and historical records to facilitate joint investigations.

The signing of the Paris Agreement took place October 23, 1991.

It appears that the State Department and the Administration are pressuring Vietnam to resolve the remaining unresolved discrepancy cases; to provide witnesses and historical information that will effectively close the case. No where in the road map is there a demand for live Americans.

Criteria to be a Vessey 1 & 2 discrepancy case: high knowledge ability of Communist governments, included are the last known alive on the ground cases.

This appears to be exactly what took place with the case of Col. Robertson. He last listed as one of the 119 Vessey discrepancy cases, the Vietnamese provided the "necessary" witnesses to resolve the case. The contradictory statements of these witnesses was accepted to quickly resolve the discrepancy case. Thus complying with the State Departments criteria for normalization. While the evidence that compels one to believe that Col. Robertson could be alive was not even followed up.

Why did the Inter Agency Committee, made up of the State Department, the Department of Defense, National Security Council and National League of Families that fate had been determined when no credible information had been presented.

The Vietnamese have officially stated on numerous occasions that they would like the names of the individuals providing information of live American POW's so they can be punished. Why does the U.S. government provide raw data of live sightings and complete with names and locations to the Vietnamese government, when the families can't see this information. Why doesn't DIA attempt to speak with these individuals instead of giving the names to the Vietnamese so they can be punished?

WHO IS RUNNING THE SHOW

Shelby Robertson Quast requested to debrief her trip to Cambodia with the person she traveled with to DIA's special office for POW's. She was refused because policy did not allow family members to debrief with nonfamily members. It was prohibited by policy. DIA refused to review the policy despite numerous requests by the family and the Air Force.

Shelby Robertson Quast requested to see the 22 pages of information regarding the Robertson/Lundy/Stevens photo referred to in DIA's 7 page analysis. Carl Ford assured access to this information to both Albro Lundy and Shelby Quast. When Shelby Quast attempted to see this information she was denied access by DIA. How is it that DIA's special office for POW Affairs can override a decision made by Carl Ford.

Shelby Quast submitted a list of questions regarding the Robertson/Lundy/Stevens photo to Carl Ford's office July 21, 1991. She was informed on July 22, 1991 that the questions had been answered by Carl Ford's office; but they had been sent down to the DIA special office for POW Affairs. Shelby Quast has never received a response to these questions despite numerous requests. Why does the DIA special office for POW Affairs approve questions answered by acting Assistance Secretary of Defense? Who is running the show?

Shelby Robertson Quast requested through the FOIA to see all versions of the Robertson/Lundy/Stevens photograph. At a meeting with Bob Sheetz and Chuck Trowbridge of the DIA special office for POW's, she was informed that there was only one version of the photograph. Yet when Chuck Trowbridge showed Albro Lundy and Shelby Quast copies of the photo, there were clearly two separate versions of the photo. One, the highly publicized version, and the other showing a great deal more of the bodies of the men in the photo. How many other pictures of these three men exist. When Shelby Quast contacted the Air Force Case officer regarding the other photo, she was informed that the AF had never received that information from DIA's special office for POW's. Is DIAs special for POW Affairs picking and choosing what information they share with the military and the family?

Shelby Quast requested to see the original of the above mentioned photo. She scheduled an appointment with Chuck Trowbridge to see the original photo along with the source of information and report. She confirmed her appointment with DIA; yet when she arrived at DIA the photo had allegedly been sent to the lab and Mr. Trowbridge did not have the accompanying report handy. Shelby Quast has called DIA several times since to see the original photo; she has been told each time that it is not available.

Shelby Robertson Quast had requested to see her father's file. She was told that policy prohibited access to the file and was referred to Carl Ford. Carl Ford stated that she could have access to Col. Robertson's file; however when she made the appointment, confirmed her intentions with Carl Ford's office and Col. Jordon's office, she was denied access to Col. Robertson's file by Chuck Trowbridge of DIA's special office for POW Affairs. Shelby Quast was simply informed that Carl Ford miss spoke. Who actually sets the policy, why can Chuck Trowbridge override a change in policy made by Carl Ford. Who is accountable?

The family of Col. Robertson has been continually told that they have all the information in the file. However, it is a fact that they do not. The fact that another photo exists along with an accompanying source report that neither the family nor the Air Force has is proof that there is information in Col. Robertson's DIA file about which the family has not been informed. Why is POLICY being used to enable DIA to keep information from the Robertson family and the Air Force regarding Col. Robertson?

Why does the DIA give the families and the Air Force sanitized live-sighting reports, whey the forward raw data including source names and locations to Vietnam?

At a meeting with Bob Sheetz and Chuck Trowbridge, Shelby Quast and Albro Lundy were informed that DIA did not have any information regarding the person who purportedly took the photograph; yet Shelby Quast has a live-sighting report that states otherwise. Why was this information denied?

Despite numerous requests, Shelby Quast has never received any information regarding alleged follow up of any of the 22 live-sighting reports mentioned in the DIA 7 page analysis. No one in the U.S. Hanoi office has been tasked to follow up on any of the live-sighting reports on Robertson, Lundy or Stevens. They have not even seen these reports. Is anyone at DIA or DOD actively following up on any of the live sightings? If so, why is the family being denied the information?

Despite numerous requests in person, in writing and through FOIA, Shelby Robertson Quast has never received any of the analyses or photo overlays of the Robertson/Lundy/Stevens photograph that DIA mentioned in its 7 page analysis. Why is the family denied access to the photo analyses?

Why is the U.S. government allowed to stand behind a policy that enables them to deny access to information regarding POW's; when the war has been over for 18 years.

Why can Chuck Trowbridge override a policy decision made by Carl Ford? Who is accountable? When Shelby Quast questioned how Carl Ford could assure her access to her father's file on one day and the next day she could be denied access, she was simply informed that Carl Ford miss spoke.

Senator SMITH. I just want to interrupt for one quick question, Shelby.

Did you get any official explanation on the Pho To photo? Did you get any official explanation as to what that means?

Ms. QUAST. No, I've never seen anything official.

Senator SMITH. Are you aware that there is?

Ms. QUAST. Well, not from the Defense Intelligence Agency.

Senator SMITH. Did you, from the Defense Intelligence Agency?

Ms. QUAST. No, we received one from a retired intelligence——

Senator SMITH. What did you get on that?

Ms. QUAST. He was able to decipher it as being a particular location.

Senator SMITH. Just for the record it is. There is a village in Hanoi on the road from Son Tay to Vinh Yen called Pho To. I have not even—and I just want to say for the record that I have had a number of discussions with Government officials on that point on that photo. I was not told that but I did find it out on my own by simply looking at a map, which I should have done in the first place. But again, it is interesting how you have to elicit information.

I just wanted to ask one other question and we will get right back to you.

Just for the record here, when did you and how did you find out about this photograph?

Ms. QUAST. I first found out that there was a live-sighting report from the Stevens family, because my father was mentioned in a report sent to them. And I called DIA and went in the next morning. This was November 8 I found out; went in the morning of November 9. And while we were there they said, well, we've received a faxed copy of a photograph that is allegedly your father and Lt. Comdr. Larry Stevens. The names were written on the back.

The next morning I went in and asked to please speak with that source. I had found out from an analyst, Warren Gray, that the source, the Cambodian source in California, had been trying to give them the photo. He did not want to send it through the mail, but felt there was an extremely tight time constraint and had asked DIA to please come and get it or bring him out. Whatever they wanted to do, he wanted to pass this information on and get in touch with the families.

At that point Colonel Peck let me talk to the source, and I flew to California myself and picked up the photograph.

Senator SMITH. Were you told that the photo had been in the agency for a while?

Ms. QUAST. I've a heard a lot of different things. I've heard that, yes, they've seen it since last July; then I heard no, it was only faxed in. I'm not exactly certain when they first saw the photograph.

Senator SMITH. I apologize for interrupting, please go ahead.

Senator REID. Mr. Chairman, one thing I do not understand is where Mrs. Quast, where you live?

Ms. QUAST. I live in Vienna, VA.

Senator REID. So you live in Vienna. And Mrs. Fleckenstein, where do you live?

Mrs. FLECKENSTEIN. I live in Big Bear Lake, CA.

I would like to add, if I may, just one little thing here on what she said about getting this information through Colonel Peck. All of what she was talking about, all of this was accomplished in well under 72 hours from the time news of the sighting report was first received by the families on November 8.

Yet, in a later letter dated November 10, 1990, 1 month later, deputy chief Trowbridge states DIA is still trying to interview the same source, and that source told Shelby that he had been trying to get hold of the family for 6 months and hadn't been able to—or allowed to.

STATEMENT OF DEBORAH ROBERTSON BARDSLEY, ROBERTSON FAMILY MEMBER

Ms. BARDSLEY. I'll just take a moment. I am disappointed that some of the Senators are missing. I recently returned from Hanoi, just 14 days ago, and it was actually due to a suggestion on the part of Senator Kerry. He called me when he returned from his trip and said that he thought it would be very enlightening for me to go over there myself. When I received an offer from Scottish Television that they were making a documentary on the POW issue and would like to extend an invitation to me to go to Hanoi and just document what it was that I could find out over there, I was very happy to take them up on that invitation.

I found out several things I never realized. That I was the first family member to actually, in Bangkok, go to site 2, which is a refugee site of about 192,000 refugees, where a lot of the live-sighting reports on POW's come from. I was the first family member, I understand, to visit Stony Beach and JCRC in Bangkok at the American Embassy. I understand that I was the first family member to go to the American Hanoi Office. I was the first family member to go to Son Tay Prison. I was the first family member to meet with Mr. Dich, the head of the Vietnamese MIA office, Mr. La Bong, the deputy director of the Department of Americas, Mr. Le Mai, the vice minister of the Department of Americas, Mr. Nguyen Co Thach and Mr. Kiet, the Prime Minister.

There are a lot of things I would like to talk about, however, Senator Kerry's aide told me that if I would like to talk about my trip I'd have to fit it into the 5 minutes allotted to my family to speak on my father's case, so I will just make myself available for any questions. However——

Senator SMITH. Any information you have you may provide for the record, and you may take a little more time if you wish.

Ms. BARDSLEY. Thank you very much.

A couple of things. As I think everybody has heard discussed here in the past few days, family members do not have access to source names or locations on sighting reports. When I was meeting with some of the Vietnamese officials they said to me, next time you come to Vietnam, why don't you bring us the names of the people who have told you these terrible things about these hoaxes. They provided me with a newspaper article from the Washington

Post in case I didn't know that our picture was a hoax. They said next time you come you bring the sources that have told you these terrible things and we will punish them.

As a matter of fact it was interesting, and reminded me that on July 26 the Vietnamese released a press release that said—it was regarding the Robertson-Lundy-Stevens picture. They felt—really, I guess, in shorthand that the picture was a fake and the guys were dead. That whoever had provided this photo deserves severe punishment.

Now, the day after this was put together, and actually the day that it was released, I understand that an American official was in Vietnam to speak to them about the picture, and Mr. Dich of the MIA office in Vietnam gave me some information that was given to him by this official.

I'll tell you I was really quite shocked and surprised to find that a Vietnamese official was giving me source names that were involved with the picture. I simply couldn't believe my eyes, frankly, especially, considering that he had just told me that they would punish these sources. And to find out that an American official had given classified information—after the past few days I've heard that is simply not policy for us to do that.

Senator SMITH. May I clarify? I want a clarification. The Vietnamese gave to you a list of sources that were provided them by American officials?

Ms. BARDSLEY. Yes.

Senator SMITH. Sources of collecting data?

Ms. BARDSLEY. Yes, names and locations, even, I see, of a government official in the Cambodian ministry who's involved in the Robertson-Lundy-Stevens picture.

Senator SMITH. So one of the sources listed was an official in the Cambodian ministry, and that source was provided to the Vietnamese?

Ms. BARDSLEY. Yes, it was.

Senator REID. How long were you in Vietnam?

Ms. BARDSLEY. I was in Vietnam for 5 days, and I feel like in my 5 days that I was in Vietnam I found out more about my father's case than I've learned from the Government in 25 years.

Senator SMITH. Would you submit for the record that list of sources? Would you be willing to do that, and who provided that list to you, or a copy thereof?

Ms. BARDSLEY. Yes, as I said, in fact I hope that what I'm saying is now being provided for the record. And I don't know, I tell you. I hesitate because if this is classified information I don't know that it is legal for me to turn it over to you now. I'm serious. I do have a copy here, and I can let you look at it, I guess. If an aide would like to take it up——

Senator SMITH. Oh, so it would not be classified.

Mr. LUNDY. This is classified information. This information is not provided to any of the family members——

Ms. BARDSLEY. Or Senators or Congressmen.

Mr. LUNDY. A high-ranking member of our State Department gave this list to the Vietnamese.

Ms. BARDSLEY. Also, along with this list, once again to my surprise, I do realize that some of the sighting reports in regards to the Robertson-Lundy-Stevens picture are classified, and that we family members cannot see this information. So I was once again very surprised that a Vietnamese official gave me a classified sighting report that lists the location of the camp that these men were allegedly held in, the name of the general who runs the camp, and the name of the man who took this picture, and described that it was taken in front of a specific kind of trees.

My sister, Shelby, right before I left to go to Hanoi, implored the Defense Intelligence Agency to please let her look at the files, asked if there had ever been a report made that had to do with any person that may have been involved with taking this picture, and was told at that time that no such report existed.

Now, this is one of the really quite surprising things that I found out on my 5-day trip to Hanoi. Once again I would be happy to answer any further questions.

Senator SMITH. All right, I think that——

Ms. BARDSLEY. Excuse me, if I could add one thing. I was very interested to hear that one of the sources on this list, Colonel Cole testified yesterday, is now missing and unable to be found in connection with the picture. And, I'll tell you, I'm concerned that a list of sources is given to the Vietnamese when they say they want to punish sources, and then I hear from Colonel Cole that one is actually missing. I have some questions and concerns about this.

Senator SMITH. We have some questions about it, too, and we will take those up, I assure you, with the officials involved.

Mr. Lundy, I think you are the last witness in the group, and so why do you not proceed for a few minutes, and then we will try to take some questions.

Mrs. FLECKENSTEIN. Can I just add one thing? Judge Gayden just gave me this note. He said that I should mention the fact that there is a hair root sample of my son also, and all of my family has sent hair over there to be analyzed.

Senator SMITH. Your comment there made me think of something, and now I apologize—we will get right to you in a second. How many people here in the room are either current military or former military—members of the military—just raise your hand?

[Show of hands.]

Senator SMITH. If you were fingerprinted when you went in the military, would you put your hand down?

[Show of no hands.]

Senator SMITH. There is not a hand remaining, let the record show. I am absolutely amazed that whether these fingerprints that are being presented to us in the name of a prisoner or allegedly prisoner—are accurate remains to be seen, but I am absolutely flabbergasted that we cannot find fingerprints on record anywhere in the service record of military personnel. The first thing that happened to me when I went in was I was fingerprinted, and apparently everybody else here was too.

So I am just going to put all officials in control of these on notice that I intend to know why, in the case of all of the live-sighting reports, and all of the individuals involved in those reports, why we do not have fingerprints in the service jackets of those individuals. And if you do not know why you better start looking because I want to know why. [Applause.]

Mrs. FLECKENSTEIN. Senator Smith, that isn't all of it either, because I—when I was looking to get fingerprints I went to the Hall of Records in downtown Los Angeles. They had no birth certificate on my son, but they have on the other two of my sons. I went to Sacramento; they have no birth certificate on my son. DMV, the hospital records, there are no fingerprints to be had anywhere.

Senator SMITH. I do not understand that, but we will find out about it.

Al, go ahead.

Mrs. FLECKENSTEIN. Thank you very much.

STATEMENT OF ALBRO L. LUNDY III

Mr. LUNDY. Thank you for allowing me to speak on this. I again want to stress for the record, Senator Reid and I had a nice conversation in an elevator about this particular photograph and about my father. I have asked one photo analysis that we've done to be passed around to the Senators. It's a simple photo overlay. It's done on acetate, and if you take a look at it—you just lift the acetate up—one of the photos is my father as a younger man and then the other photo is the copy of the photo drawn out. You see that it matches perfectly. All the features are the same, the head shape is the same, everything with regard to the photo is exact. That's a very simple analysis, something that could have been done very easily, I think by the Government immediately, but has never been done, or at least has never been provided to us.

I'm going to start out telling about the Lundy family a little bit, and about Maj. Albro Lundy because I think he is the reason and those men are the reason that we are here. My father, still serving in Vietnam right now, went over in 1970, a highly decorated individual, I've put in the record. But we were told he was killed Christmas Eve, 1970. The Government told us that, and my family—6 children ages 12 to 9 months old, and my mother accepted that and it was brutal. I almost lost my mother at the same time I lost my father because of the closeness of that relationship.

But my mother worked very hard to get over it. She went to law school. Myself and my older sister worked very hard helping raise the children.

We never thought twice about my father being alive. There were some mysteries with regard to the circumstances of his accident—incident. We didn't have those cleared up for us, but we never thought twice. To us he was dead. It was very difficult to get to, but to us he was dead.

I was approached by an individual named Scott Barnes in 1981, I guess. Scott Barnes said that he had been in the embassy, in the CIA, in Thailand—Bangkok, Thailand—the CIA portion of the embassy. And he had seen an individual file, a secret file, a top-secret file given to him by Colonel Mather—Paul Mather, who I think, interestingly enough, has been rehired by the DIA. And that Colonel Mather said here's someone we've had reports about. He might be alive. Now this is CIA information by the way.

Our family—and I brought this man—I met him by coincidence in church. My name is Albro Lundy and my father's name is Albro Lundy, and he had seen a visitors' roster and approached me. He said I would like to tell you about the information. He had information about my father's case that I didn't have with regard to the circumstances of the accident, the individual area where he went down, things that the family hadn't been provided. He said your father may be alive.

We said, thank you very much. We think you are very well intentioned, but we know you're wrong. My father is dead. And we sent Scott Barnes on his way. Scott Barnes never again contacted me until this photo came out.

In 1985, I finished law school and I said, you know, I wonder about the mysteries. The mysteries were my father's parachute opened, but they said there was no one in it. I didn't understand how a parachute could deploy without any weight in the parachute. There had to be somebody there and I've spoken to parachute experts about it. They say you've got to have some weight on a parachute for it to deploy.

So I wanted to talk to the witnesses. I figured there were witnesses to my father's incident. There's no way they could call him killed in action, body not recovered, unless they had some witnesses.

So I wrote a FOIA, and I want to direct your attention to this blow-up here. You have it attached in the bound copy of my statement. So if you cannot read it, but the part that is highlighted says specifically, this is all the information in the file, there were no witnesses to this incident. Then down at the bottom, I just want to highlight there, it says, sensitive to the people. That is from the Air Force, that is the DOD, that is my contact. There were no witnesses and Albro Lundy, just graduated from law school, said this is the official Government response to me, and I didn't look any further. I believe there are no witnesses.

I'm a family of military background. We believe our Government. We know our Government. We trust our Government. My father was the ultimate patriot. I didn't look any further. There were no witnesses.

Judge Gayden sent me a letter, Easter of this year. He says, I have information about your father, who might be alive. I say to myself, another one, my father is dead. But I call him up because this time I am interested; I want to follow up the leads, and he has got basically information which I did not think could come from just anybody about my father.

He has got my father's Social Security number, he has got my father's birth date, he has got his correct rank, and he has got his correct name, Albro Lundy, which is as unique as his Social Security number. And besides, he is dead.

I said, where is this information coming from and why would somebody bring information about Albro Lundy out; he is dead. No one would be so stupid as to try and pull a hoax; he is dead. I had better follow this up a little more. Because I could not understand where that information came from. So I start writing.

Actually what happened is, a little while after that, my mother got information from the government, the same, very same information that Judge Gayden had sent to us in a TWX. In that TWX it had a cover letter, and Chuck Trowbridge was the person that had written the cover letter. He said, disregard this information; it really is nothing but a dogtag report.

My mother did not look any further. She took that and threw it in the trash. My father is dead. She threw it in the trash. I said, Mother, I would really have liked to have seen that. I had to get my own copy. I called up and got a copy, and I read through it again, and I said, well, dogtags do not have birth dates on it. Chuck, how could that be? Why did you call this a dogtag report?

Chuck has not responded to me as far as that is concerned.

Senator REID. Who is Chuck?

Mr. LUNDY. Chuck Trowbridge. I am sorry to be so familiar. He testified here earlier. I said, well, I am going to read the report itself, because it was basically a letter purportedly written for my father with this information. I did not believe much of the information on it. But I did not know where that correct information had come from, and that was very unusual to me.

And I saw something at the bottom of the letter that amazed me. It said thumbprints. Now, I did not get the original; I got a transcription. But it said thumbprints.

Senator REID. Is this from the judge?

Mr. LUNDY. No, this is from the DIA. And nowhere in the cover letter that said disregard this did it mention these thumbprints. Nowhere. And so I called up and I said, there is thumbprints in the original; have you checked? Have you checked my father's thumbprints? I think we can get rid of this right now.

Because to be honest with you, I did not tell my mother anything about the investigation I was doing. I opened the case as a case in my law office, and I was going to disprove it because my father was dead; this was a hoax. I spent literally thousands and maybe tens of thousands of dollars worth of man-hours trying to disprove this case.

I did not want to bring it back into the family. My father was dead, and I knew what this would do to our family if I brought it up again. Three and a half months worth of investigation before I told anybody in our family about this.

You know what I was told when I asked about the fingerprints—have you checked the fingerprints? Now, this has been in the DIA's hands now for 5 months. They said, we do not do that unless the next of kin requests it. That was the response.

I said, well, I am next of kin. And they said, no you are not. I said, well, what do you call me. No, you are not next of kin; your mother is next of kin.

So we had to go through a little formality. But I requested it, and I got an answer back: There are no fingerprints in your father's file. There are no fingerprints to check on him.

I said, my father had top secret security clearance, nuclear, intelligence. He was ROTC, went to regular. How could there not be fingerprints in my father's file? And then I looked through the file very carefully. Here is the—I would like to draw your attention to this next blow-up, and it says right there, there is a letter in his file, it says, attached are forms and fingerprint cards on the above subject.

Senator REID. But look at the date on it.

Mr. Lundy. Right. But they do not throw anything away. That does not make any difference when the date is; 22 of December, 1954, that means my father was fingerprinted and the card was in his file. Then, more importantly, look down there on the bottom, it says, "National Agency check is completed on this individual." That means the fingerprints were good. That means Henry classification cards had been done. That means my father's fingerprints had been checked out in the Government, and the Government had a set of fingerprints in his file, that very file I was looking at.

Much to my amazement, when I flipped it over to find the attachment, there was no fingerprint card attached, nor were there any Henry classification cards. I cannot understand that. I still cannot understand that. It is absolutely unbelievable.

This is a smoking gun letter, that there is cover-up in our government. It could not possibly happen if there was not, because guess what? Somebody had to pull that card from his file; it just does not magically disappear, or they just forgot to take out the cover letter.

The Chairman. Well, we are going to inquire when the folks come back next week.

Mr. Lundy. Moving on to the photo itself——

The Chairman. We need to do that. We need to try to wrap this up. I am not trying to cut you off, but I just need to.

Mr. Lundy. I understand. I felt that was probably the most important aspect with regard to the Government's response.

The Chairman. Have you ever asked them about that?

Mr. Lundy. I have letters.

The Chairman. About the fingerprint thing, though.

Mr. Lundy. Right——

The Chairman. And their answer to you is what?

Mr. Lundy. There are no fingerprints——

The Chairman. No, but as to why, as to what happened?

Mr. Lundy. "We do not know. We are very sorry." That is one of the most embarrassing things I can tell you. Carl Ford, if can quote Carl Ford——

The Chairman. Is it beyond the realm of possibility that it might be incompetence and not——

[Laughter.]

The Chairman. I am just asking the question.

Mr. Lundy. One, two, three, all——

Ms. Fleckenstein. All three of them, they were highly cleared for security.

Mr. Lundy. And it just so happens that there are pictures of all three, legitimate pictures, that is what I want to get to, because I did photo analysis. Before I would even take this to my mother, before I would even bring it up, I made sure in my own mind that my father was alive.

Let me put it this way, that I had enough evidence that somebody would not have to prove to me he is dead. OK? And I think that is what our Government should be doing right now, it should be saying to the Vietnamese, you prove to us he is dead; you prove to us all of these guys who are missing are dead. It is not our responsibility to prove they are alive because they know they are alive.

We knew they are alive, and that is my father. This analysis, I had a 16-point analysis done. There are 16 facial features—and if you saw the overlay, it is obviously recognizable—16 facial features of my father on one to the other. It is him; there is nobody that is disputing that. The only people have been the DIA who said they are inconclusive, they do not have a result. Inconclusive is all they have said as far as it being him.

But I went to my mother July, I say July 5, probably, and I said, Mother, I have got information, you need to know about it. I think now is the time you should hear it. She did not hear any information, she just wanted to see the photograph. I said, let me brace you. She just wanted to see the photograph. Minutes later, after she saw the photograph, she said, that is your father. Absolute identification.

We do not need anything else. All of our families know, we absolutely know those are our parents or sons. We do not need another analysis.

The CHAIRMAN. May I ask you a quick question there? Apparently some other families claim it is theirs.

Mr. LUNDY. Is it not interesting that the other families, and we are tight, families of POW's and MIA's—and I was not part of this 5 months ago, I could not even think about POW's. My father was dead. We are so tight, they treat these people like sisters. She calls me her son, because we stick together; we have to.

None of those "families" that the DIA has talked about have come forward, have called and said, let me help you here, this is my son or this is my brother. Would it not be a relief to me? I am looking for the truth. If that is not my dad——

The CHAIRMAN. We are going to try to get at that.

Mr. LUNDY. I asked Chuck Gittins, I said, please, Chuck, contact those people. Please write them and tell them to contact me. I need to know, I need to know. I do not know if Chuck has done it or not, but they have not contacted me.

I do not even know, to be honest with you, if there are other families. Because I think they would have gone public, because if that is their man, they would want him home, too. They would be right here in front of you saying, I want my man home. And they did not do it.

The CHAIRMAN. Let me ask you one other sort of——

Mr. LUNDY. We could just ask Chuck that question.

Chuck, have you followed that up? That request I asked of you?

[Applause.]

Mr. GITTINS. [Inaudible.]

Mr. LUNDY. There you go.

[Applause.]

The CHAIRMAN. I did not hear what he said.

Mr. LUNDY. I asked Chuck if he had followed up the request I had to forward my name and a request that the families contact me, to those "other two families." And he did not know what I was talking about.

Mr. GITTINS. He has not made that request to me, sir.

Mr. LUNDY. That is an absolute untruth. I have made it two different times, once at the Pentagon and once at the POW Task

Force hearing that I did in front of Chairman Solarz. Twice. I have not done it in writing; that is my mistake.

The CHAIRMAN. Let me gavel this quietly back to order and see if we can try to pull this together.

Mr. LUNDY. I will finish up here.

[The prepared statement of Mr. Lundy follows:]

PREPARED STATEMENT OF ALBRO L. LUNDY III

In March 1970 at the age of 37, Maj. Albro L. Lundy, Jr. said goodbye to his parents, wife and six children to answer his country's call. In the face of extreme controversy about a conflict half a world away, he unquestioningly went off to fight for freedom against an enemy known as communism. He is first and foremost, a patriot. Major Lundy is a fighter pilot but his military record shows far more. Prior to his assignment to Southeast Asia, he had taught German Luftwaffe pilots how to fly America's best planes. Upon return from his tour in Vietnam, he was to be assigned as the military attache to an Eastern European embassy (he went down just 12 days before his rotation home). Major Lundy had also served at Space and Missile Systems Organization (SAMSO) where he had designed weapons systems and operations. This assignment came after he had completed his master's degree in Human Factors.

In addition to his family, his love was flying and he was very skilled at it. During the first 8 months of his tour in Southeast Asia, Major Lundy was awarded the Silver Star, 2 Distinguished Flying Crosses, the Air Force Air Medal and 6 Air Force Commendation Medals, (Fourth through Ninth Oak Leaf Clusters.)

FACTS OF LOSS INCIDENT

On Christmas Eve 1970, Major Lundy was flying a med-evac search and rescue mission in North Central Laos over the Ban Ban Valley. Although two other A1E fighter groups had refused this mission, Major Lundy volunteered. Three Air America helicopters, two Raven forward air controllers, an Air America C–7A and another A1E were flying on that mission. Major Lundy reported having a rough engine and that he needed to leave the airplane. Subsequent intelligence analysis indicated that his engine was hit by groundfire, as the area was heavily defended by both North Vietnamese and Pathet Lao ground troops.

Major Lundy announced that he was leaving the airplane and the observers watched an apparently normal chute deployment. One observer reported seeing someone in the chute initially, while other observers reported that no one was in the parachute as it neared the ground. Ground rescue teams were unable to reach the parachute site as the area was very hostile and casualties were taken.

Major Lundy was declared MIA, survivability rated as Category 1 (indicating out of aircraft at time of crash—Attachment 1). Two days later Major Lundy was declared KIA/BNR. There is no clear explanation given as to why he was declared KIA. Although combat forces try to make the best determinations they can in the face of uncertainty, this does not mean their judgments are infallible. For instance, Ernie Brace, who had been declared dead by the U.S. Government, returned alive in 1973 during Operation Homecoming I.

Immediately following Major Lundy's "death", and for 20 years thereafter, the Lundy family was given but a fraction of the above information. For instance, both the telegram and official condolence letter from the Commander of the 56th Special Operations Wing, Col. E.J. Walsh, specifically indicated that Major Lundy did not leave the aircraft and that "he died instantly as a result of the aircraft crash." (Attachment 2) Yet, one witness states that he saw Major Lundy in his parachute and the government to this day lists his survivability category as 1, meaning that he was out of the airplane. Additionally, the family was told that a parachute deployed from the plane, yet no adequate explanation has ever been given as to how his parachute could deploy if he went down and was incinerated in the plane. Finally, from whom, when, and where did any of this information come from? The family was not given any information to answer these questions or verify the facts.

FAMILY RESPONSE

Major Lundy's family accepted the KIA/BNR designation despite the mysteries surrounding the crash. The Lundy family went on with their life. Johanna Lundy went to law school, became an attorney and raised six children on her own. Major Lundy's loss was so traumatic to the family that they completely avoided the POW/

MIA cause even while the war was ongoing. The Lundy family accepted the death of Major Lundy so firmly that when Scott Barnes met some of the family at church in the summer of 1981 and said he had information that Major Lundy was still alive, the family said they were not interested in his information because Major Lundy was dead. Barnes approached the family because he saw Albro Lundy III's name in a visitor's book and recognized the unique name.

Scott Barnes reported on Major Lundy in his book *Bohica* on page 42. The Lundy family formally requests the Senate Select Committee to subpoena the CIA files on Major Lundy that are referred to in *Bohica* and to subpoena Col. Paul Mather, to question him about Major Lundy and all other POW's. (Attachment 3)

Major Lundy's eldest son, Albro III, had always wanted to speak to the wingman who watched his father go down and in 1985 he submitted a FOIA Request for his father's file and the names of the witnesses to his crash. The Air Force responded by sending Major Lundy's personnel and medical files but sent a letter stating that there were "no witnesses to Major Lundy's incident." Albro Lundy III accepted this letter as the truth and did no further follow-up. Despite this letter, when the Robertson/Lundy/Stevens photo was leaked to the media, the government immediately said that there were four witnesses to the "death" of Major Lundy. (Attachment 4)

Why did the government lie to the family when they knew there were witnesses and at least one witness statement? The government has lost all credibility in the family's eyes—they now want to see all the original documents for themselves. And so they should. There is no legitimate reason to classify these documents.

FIRST LIVE REPORTING OF MAJOR LUNDY

In the Spring of 1991, the government sent Johanna Lundy a transcription of letters purportedly written for Major Lundy. The government classified them as "dog tag reports" of an obviously fraudulent nature although the report contained correct information not found on a dog tag. Johanna's response was to toss them in the trash and mention it to her family in passing. This is another example of how firmly the family believed that Major Lundy was dead.

Albro III ordered his own set of documents and while examining them found a mention of thumbprints buried in the bottom of the transcription. It was difficult for him to understand why this wasn't mentioned in any of the government's analysis. Certainly this could prove or disprove the correct nature of the report and whether or not Major Lundy did survive.

Albro called his Air Force Liaison officer, William Frampton, about the case. His first question was, "Have you run the fingerprints yet?" Frampton replied that they do not check fingerprints unless the next of kin requests it. Lundy III was stunned. At this point it had been 5 months since the original documents were received. This is the "Highest National Priority" and the government does not even try to match fingerprints of a possible POW? The Pentagon leaves "no stone unturned" in their search for POW's and does not try to verify fingerprints? Lundy also noted that they also did not call the Next of Kin and ask if they wanted them checked or mention them in their reporting. In some cases the NOK may not even know that fingerprints exist to try matching.

MISSING FINGERPRINTS

Lundy's amazement at the cavalier attitude toward the fingerprints turned to shock when it was discovered that his father's fingerprints were missing from the file and no match could be attempted. In addition to knowing that his father had been fingerprinted at least 5 times, Lundy III possessed a letter from his father's file saying "Attached is Major Lundy's fingerprint card." (Attachment 5) His father's prints did not just fall out the file if they were attached to this letter. Someone had to take them out on purpose.

ENTER: THE FAMOUS PHOTOGRAPH

In late April, Judge Hamilton Gayden called Albro III and suggested he contact Gladys Fleckenstein, the mother of Lt. Comdr. Larry Stevens, because she might have a photo of Major Lundy. Gladys had had the photograph in her possession for almost 6 months and had never been able to identify the third man in the photo. The names of Stevens and Robertson were on the back of the photo Shelby Robertson Quast had obtained.

Gladys had previously been aware of the Lundy family name from a letter sent to her by Chuck Trowbridge of the DIA in February 1991 stating that Major Lundy was supposedly held with Robertson and Stevens (Attachment 6). Gladys requested the Lundy family address, however, the government would not release this information. The fact that private individuals had to bring these families together is not so incredible when compared to the fact that the government possessed a 3-man photograph with an unidentified third man and independent corroborating evidence that these 3 men were being held together and never once contacted the Lundy family to possibly identify the third man. This blatant government malfeasance directly contradicts the stated POW policy of being the "nation's highest priority."

Upon receiving a copy of the photograph from Gladys's source, an American humanitarian worker who received the photo at Site 2, Thailand, Albro immediately submitted it to a preliminary photo analysis that showed the photo had not been tampered with, except for the label applied as the sign. Albro who wanted to protect his family, especially his mother, did not mention the photo or his investigations.

SECOND EYE-WITNESS ACCOUNT

On June 27, Lundy was called by the Air Force Liaison with a second-hand live sighting of his father, still reportedly held with Robertson and Stevens, that was received in January 1991 by DIA. As of September, 1991, the DIA still has not investigated this live sighting. This was confirmed by Bob Sheetz, Chuck Trowbridge and Warren Grey in a meeting with Lundy and Shelby Quast September 1991. In fact, when the question was raised at this meeting specifically about these men, none of these individuals, supposedly fully briefed on the case, even recalled the existence of a second live-sighting report. DIA had the report 5 months before giving it to the family and has still not followed up a live sighting now 9 months old on this highly visible case. If the families had been given the names of the sources and supposed locations, instead of having this information classified, the men might be home right now.

PHOTO IDENTIFICATION

Albro finally told his mother about the existence of the photo in early July, just prior to flying to Washington for the National League of Families conference. Johanna demanded to see the photo before hearing any corroborating evidence, and she identified the photo within minutes. "That is a picture of my husband," Johanna Lundy has said to the world. Nothing but an actual photograph of her husband would convince her that he survived. It took the weight of this picture, along with the other evidence, as well as the government's dishonesty and malfeasance to cause her to question the government's initial declaration of his death. "Why would they lie if they don't need to?" she states. This photo is also unanimously identified by all Major Lundy's relatives and friends.

This photograph has also been analyzed and the identity of Major Lundy has been confirmed by photographic and computer photo analysts. These analyses will be submitted separately upon request of the Committee. Particularly with Major Lundy there is an unmistakable correlation of Major Lundy's features in his young photo's to his aged image in the Robertson/Lundy/Stevens photo.

PENTAGON TREATMENT OF PHOTO

Albro Lundy III has made four trips from California to the Pentagon to see the file on his father and has been denied access each time. The first time occurred during the League of Families conference where the Robertson, Stevens and Lundy families all met together for the first time. When all three families questioned Pentagon officials during the League of Family Conference July 11–14, they all said they had never seen the photo before. Because of the families' definite identifications of the men in the photo, Carl Ford and Ken Quinn made plans to give the photo to the Vietnamese and request repatriation of the men.

On July 5 the photo was given to the Vietnamese and surrounding governments.

On July 16, the photo was leaked to the press—not by the families.

On July 17, the Pentagon held a press conference saying the photo could not be proved authentic and "unnamed Pentagon sources" said the photo was a hoax.

Before Ken Quinn could even get to the bargaining table on July 25, the real OFFICIAL government policy was made quite clear to the Vietnamese; THE POW's ARE ALL DEAD.

The Pentagon undermined Ken Quinn's trip to Hanoi to discuss the Robertson/Lundy/Stevens photo by releasing to CBS News a 7-page analysis discrediting the letters and therefore, by association, the photo, even though the two had never before been connected, on the eve of his meeting. This analysis, containing a plethora of errors and misinformation too numerous to cite here, was handed to nationwide news media before it was released to the three families involved. Carl Ford had promised the families prior to this that nothing would be released to the news media without it first being given to all three families involved. When questioned by Albro III about this breach of his promise, not to mention policy, Ford responded, "I guess my word is not worth much. is it?" Absolutely not, says the Lundy family.

One of the most tragic results of this breach was the fact that Johanna Lundy was told by reporters over the phone that the analysis indicated that remains of her husband and his identification card had been found. The fact that the government would even have printed this information when it knew that Major Lundy flew sanitized, (meaning that he flew without any identification on his person because he was flying in the secret war in Laos), and that the official government line to Mrs. Lundy until this moment had been that he was incinerated in his plane, is nothing less than brutal and blatant dishonesty. The government has yet to make a retraction nor provide the Lundy family with any of the evidence they purport supports this lie.

The government has had this photo in its possession since June 1990 according to DOD News Briefing on August 6, 1991. A FOIA submitted in September requesting all copies of the photo and photo analyses done on it has still not been responded to by General Soyster. The families were told by Bob Sheetz that the photo was not sent to the FBI for analysis until July 1991. Why did it take the DIA one year to even submit this photo for analysis? Why does DOD continue to focus on any potential aspect of this case except for the identities of the men? Why does the only photographic analysis (from Sandia) released to the families dwell on the erroneous identification of the photo as circa WWII instead of specifically focusing on the specific identities of the three men? In fact, an identity analysis was not even requested of Sandia.

Concerning other Pentagon allegations about this photo, the Robertson/Lundy/Stevens photo has never been found in any Soviet magazine nor has it been proven to be a "fake" or a "hoax". The Pentagon's official response to the families is that the families' identifications indicate that these men are who we say they are and the Pentagon is seriously investigating it. Yet, in actuality, they are doing nothing to bring these men home and, in fact, are discrediting the evidence that shows they are alive.

QUESTIONS REQUIRING ANSWERS

Why would our government risk their credibility with the Vietnamese by giving them a photo they had done no analysis on?

If the government truly had evidence showing questions about the photo, why did DIA not share this information with the families when they made numerous trips to the Pentagon requesting all information on the photograph? Or did DOD just start slandering the photo for their own purposes after it became public?

If two other families have actually identified the middle man in this photo, why haven't they come forward to shed light on this photo and to help bring their man home?

Why hasn't the DOD forwarded the Lundy family's request to these two families that they come forward or contact the Lundy family privately? Did the DOD just create this story as a way to debunk the most readily identifiable image of the three men?

How could a parachute deploy without a person in it?

Who were all the people who saw Major Lundy's incident? Where are the witness statements of the Durax pilots referred to in Park Bunker's witness statement?

Why was Major Lundy rated survivability Category 1 and still declared KIA without further proof of his death?

CERTAINTY OF PRISONERS IN LAOS

The United States lost 586 servicemen, missing in action, in Laos during the Vietnam War. In February 1973, the communist Pathet Lao, through their spokesman Soth Petrosky, claimed to hold dozens of our men as prisoners of war and demanded that the U.S. negotiate for their release. Within 2 months, President Nixon fell from power because of Watergate and never negotiated with the Pathet Lao. The Vietnamese, as recently as July 1991, through their U.N. Ambassador, told Johanna Lundy that the Vietnamese did not negotiate with the United States regarding POW's held in Laos and that the U.S. must negotiate directly with the Path Leo. To this day, not one living American POW has returned from Laos. 'You do not understand. . . . there is a greater destiny for our foreign policy in Asia and the POW's are expendable in pursuit of that policy. . . ." said Harriet Isom, Charge d' Affairs. United States Embassy, Vientiane, Laos, 1990.

SUMMARY

In the Lundy case, the family has been deliberately lied to, Major Lundy's file tampered with, all evidence including the live sightings and fingerprints have not been pursued and the photo has been erroneously slandered by the government. The Lundy family feels the government has shown a complete lack of good faith in trying earnestly to follow up all possible leads on the possibility of Major Lundy's captivity. They have in fact deliberately obfuscated the truth, prolonging the captivity of Major Lundy as well as all the other live POW's. It's time to stop the ludicrous charade that has been perpetrated by the Department of Defense. We pray that the Senate Select Committee can reveal the truth and finally bring our loved ones home.

FORMAL INFORMATION REQUEST

The Lundy family formally requests the Senate Select Committee to obtain and provide to the Lundy family the following information which we know exists:

All classified information on Major Lundy.

CIA Radio Intercepts on prisoners captured in Laos from 1970 until today.

All photo analysis done since receipt of the photo in June 1990 which should include DIA and FBI's photo analysis.

All reports of photo and sources.

Latent prints of Major Lundy known to be held at the FBI.

Any and all Henry Fingerprint Classification Cards on Maj. Lundy.

Witness statements of all Air America pilots referred to in Park Bunker's witness statement.

All CIA files on Major Lundy, particularly the one referred to in *Bohica*.

Subpoena of Col. Paul Mather to discuss post-1973 reports of Maj. Lundy.

QUESTIONS REQUIRING ANSWERS ON THE LUNDY CASE

Why would our government risk their credibility with the Vietnamese by giving them a photo they had done no analysis on?

If the government truly had evidence showing questions about the photo, why did DIA not share this information with the families when they made numerous trips to the Pentagon requesting all information on the photograph? Or did DOD just start slandering the photo for their own purposes after it became public?

If two other families have actually identified the middle man in this photo, why haven't they come forward to shed light on this photo and to help bring their man home?

Why hasn't the DOD forwarded the Lundy family's request to these two families that they come forward or contact the Lundy family privately? Did the DOD just create this story as a way to debunk the most readily identifiable image of the three men?

How could a parachute deploy without a person in it?

Who were all the people who saw Major Lundy's incident? Where are the witness statements of the Durax pilots referred to in Park Bunker's witness statement?

Why was Major Lundy rated survivability Category 1 and still declared KIA without further proof of his death?

Why did the government lie to the family when they knew there were witnesses and at least one witness statement?

Why did it take the DIA one year to even submit this photo for analysis?

Why does DOD continue to focus on any potential aspect to discredit this case except for the identities of the men?

Why does the only photographic analysis (from Sandia) released to the families dwell on the erroneous identification of the photo as circa WWII instead of specifically focusing on the specific identities of the three men?

The CHAIRMAN. Let me, let me just say to you, because I think that we have been for today at this a long time. You have been at it a lot longer, and we recognize that. Let me try, unless colleagues have any further—Senator Kassebaum.

Senator KASSEBAUM. I am just curious, because, Judge Gayden, you seem to be a conduit largely through your Laotian connection, is that correct?

Mr. GAYDEN. That is correct.

Senator KASSEBAUM. Do you have any idea why all of a sudden there seems to be, through this Laotian connection, these photographs coming? Have they asked for financial reward? Or do you have any ideas why this is happening as it is?

Mr. GAYDEN. Well, there are two things, probably, well, three things. The predominant thing is, and this has not been mentioned at all, I think that the sudden full court press by this administration to normalize relations is because the Communists are losing it. They are losing it, I know through the Laotians; they are losing it in Laos and they are losing in Vietnam, just like they did all of Eastern Europe.

We have affidavits from Pathet Lao soldiers that that is Dan Borah, Communist soldiers with a hammer and sickle in their own file with the Senate Foreign Relations Committee. They do not mention that; the Defense Department does not mention that. We could get them here, possibly. They will tell you it is Dan Borah.

We have people right now that are actually revolting against the Government.

Senator REID. I cannot understand this. What happened with the hammer and sickle?

Mr. GAYDEN. We have affidavits from military Communist officers with the hammer and sickle saying that that is Dan Borah. So what it is, is there is actually a revolution going on, but we do not read about that in our news. But it is going to happen.

So I think there is a full court press on to refuel the Communists, in my opinion, to keep the secrets. This way it is now coming out through the Pathet Lao and the Vietnamese Communists.

The CHAIRMAN. Well, Judge, I am not going to pick an argument with that, because there is another side that would suggest that it is going to crumble over there no matter what. I think it is, personally, with time. It may be sooner rather than later.

But the question here is whether or not we are going to further the process of getting answers no matter what happens politically. I mean, that is really the question. One day longer is one day too many, and we have all agreed on that.

So the question is not so much the dynamics of the politics and everything, frankly. It is whether or not we are able to get answers now, and whether there is a process in place that allows us to do it. Now, do you believe that is the reason?

Mr. GAYDEN. No, there is another reason, and Senator Smith is familiar with this. We get both kinds. We have, we, and I say "we," my Lao connection has several contacts. Some of them are actually after the $2.5 million reward; that is a motivation, no doubt about it.

Senator KASSEBAUM. Have they collected some money?

Mr. GAYDEN. I am sorry?

Senator KASSEBAUM. They have collected rewards?

Mr. GAYDEN. No, they have not, no. When one of them comes across, it was 24 Congressmen, of which Congressman Smith was one of them. They have really come and generated a lot of interest, and the Vietnamese, as I have been told, that are part of this Lao connection, are strictly for coming out and turning in the Vietnamese and showing that the Vietnamese have been holding POW's. They are not interested in the reward if they are alive.

The CHAIRMAN. Let me intercede here.

Mr. LUNDY. I wanted to say one other thing.

The CHAIRMAN. Absolutely.

Mr. LUNDY. Specifically with regard just to the treatment of the families, and my coming in here now. Because as soon as my mother identified it, basically I flew to Washington and gave the photo to the Defense Department, and said, here is my dad, go get him, please bring him home. Bring my dad home.

I was naive. I was absolutely, entirely naive. Because instead of my Government saying, like when Bobby Garwood was identified, they brought him home, instead of my government going over there and finding my dad and bringing him home——

The CHAIRMAN. No, he came home on his own with the help of another nation.

Mr. LUNDY. OK, that is fine, I am sorry I misquoted there. I have put up now with 5 months' worth of the photo being slandered erroneously. Never once have they questioned the identities, never once have they done anything but connect it to things which are fake. I mean, really, absolutely fake.

There are nine different sources. My source is a woman, an American, who brought it out. But that never gets mentioned in the press. Everybody says that photo is a hoax. I look at them and I say, but that is my dad, that is my dad. So my point here is that my little girl, she is 3 years old, and she says, when is Papa coming home; Papa is in Laos. Papa is in Laos. I am reading her a book, and the book is called, The Emperor's New Clothes.

Everybody knows, everybody knows there are men alive, and that we left them there. What I am asking this Senate Select Committee to do is be a little boy in the audience that looks over and says, he has got no clothes on, because that is the charade that is being played right now.

The CHAIRMAN. All right, let me try to bring this to a sensible conclusion for the first 3 days. First of all, it is clear, we could spend another 3 hours with all of you in a panel in open session. But we are going to wind up at the end of that 3 hours where we are right now, which is where the Committee really needs to begin to do some analysis outside of the Committee, by bringing in some experts, sitting with you individually and pulling this together.

It is clear, and the last 3 days I think have indeed been different than I predicted. I said I did not think there would be revelations; I think there have been some, and not the least of which was a statement by a gentleman who spent years at this effort, that he believes that people were alive for a period of time.

I think the fact that this is the first time we have ever had people from on the ground, in Vietnam, come forward is new. I think the level of distrust is in itself its own revelation, and it is a tragedy; there is no other way to describe it. It is extraordinary that so many people are here feeling that there has been a breech of faith with them—convinced that there is, not feeling it, just convinced.

Whatever it is that has happened, whether there is legitimate cause or illegitimate cause, the fact remains that this has documented why this Select Committee had to be created, and it has documented the difficulty of the task ahead of us. There are too many families who, for whatever reasons, are not getting the answers that they deserve to have, not being treated the way that they deserve to be treated. That has to change.

Now, Secretary Cheney came here personally 2 days ago, and said it has changed, and will change. The proof of that will be Albro Lundy and whether or not you get the information, and whether or not each and every one of you get that, and whether this Committee does.

But I think there has got to be a mutuality in this. I think there has got to be an effort to try to help the DOD and DIA and others to be able to do their job in these next months. This Committee is here with a life now that will watch that very, very carefully. We are going to be sort of the intermediary, if you will, the interlocator.

We are also going to be doing an awful lot of hard work of our own, a great deal of research, a lot of the facts. Now, nothing that has come before us in the last 3 days at this point is going to be discounted, is going to be cast aside.

We are going to divide up the Committee in a way that allows staff to be able to address each of the sort of compartments that are in front of us, ranging from photographs to live-sighting reports, to the intelligence review to the case-by-case review, to the question of the experts that are needed to try to discern some of this, to the on the ground effort in Vietnam itself.

The Committee obviously has an enormous amount of work in front of it.

Next week we will hear from some of those about whom accusations have been made today and give them an opportunity to respond.

Colonel Cole is here now; Major Gittins is here now. Major Gittins, if you want an opportunity to respond now, but I think it would be better to bring you back with everybody else and have an opportunity to answer these kinds of questions. And we will proceed then to do that and to set that up in as short an order as possible.

The State Department has sent up a deposition in writing with respect to the accusations made by Mr. Burch, and those will be entered into the record at this point in time.

[The letter referred to follows:]

U.S. Department of State,
Washington, DC 20520.

Hon. John Kerry,
Chairman, Select Committee on POW/MIA Affairs,
U.S. Senate,
Washington, DC.

Dear Mr. Chairman. Thank you for your letter of September 20 asking the Department to respond to the allegation that the Secretary ordered a mass destruction of POW/MIA records. Upon learning of the accusation, our Vietnam desk officer contacted Mr. Burch in an attempt to clear up what may be a misunderstanding. Mr. Burch declined to provide us with information that would have helped our investigation.

The Secretary of State has not issued a written or oral order this calendar year to destroy POW/MIA files. As best we can determine, no other Department official issued a written or oral order this calendar year to destroy POW/MIA files. In any case, we have been unable to find anyone in any of the bureaus listed in your letter who received such instructions.

As you might expect, offices within the Department of State routinely retire, for either destruction or storage, old documents to make room for new documents. While the Department does not preserve and store every copy of every document on every subject, substantive documents, including those dealing with POW/MIA issues, are preserved and stored.

To my knowledge, the only file retired this year that might pertain to POW/MIA matters was a chronological letter file kept by the previous desk officer for Vietnam, Donald Stader. A copy of the transaction form is attached. Although Mr. Stader's letter file is still intact and will remain so at least until the Committee can further clarify Mr. Burch's allegations, chronological files are eventually destroyed because a copy of each document in those files also routinely appears in a subject file that is preserved for storage.

As you may know, there are retired individual State Department office files dealing with POW/MIA matters located in the Washington National Records Center in Suitland, Maryland. They have been declared permanent records by the National Archives and Records Administration.

We have done our best to investigate Mr. Burch's allegation and can find nothing to substantiate it. If the Committee can provide more information, we would be happy to investigate further.

Please let me know if I can be of further assistance.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

Attachment: As stated.

But we will continue to follow up on those issues also. I want to thank you, each and every one of you. It is no fun for you to sit here, I know, to vent your spleen at your own government in whom you have believed as deeply as you have.

This is obviously about as contentious an issue as there is. And it is going to be hard for this Committee to sort some of it out, although I think we are really on a road to being able to do a lot of it.

And Senator Smith, do you have any comments you want to make?

Senator SMITH. Yes, very briefly, Mr. Chairman.

First of all, I want to thank Senator Kerry for his cooperation throughout these hearings and also in the process of setting up the Committee, which was a long and arduous task—too long. Some of that was out of our control, however.

We look upon this as the beginning. We know it has been a long, long road, but we have made some commitments and I have made some that I intend to keep, that we are going to do everything in our power if it is humanly possible to find out the truth.

And Jack, in the case of something as dramatically different as what you have to say and what other people have to say, I would, although I would like to ask you some questions now, I would prefer to wait to get the response and then come back and do that.

But we are driven to do this. I want to assure you that. We are driven to find the answers. We are not miracle men and women, but we are driven to try to find the truth. If we can do it, we will. We are not going to give any false hopes. But this has been a very, very good start, because we got to hear you, all of you, we got to hear every witness tell his side or her side of the story. What we have to do now is dig. This is not meant to be complete. It is just the beginning.

I do want to make—it has nothing to do with the witnesses, and just a quick moment, Senator, of personal privilege. Earlier in the day I made a comment regarding something that I perceived to be the truth that was different from what Senator McCain perceived to be the truth. It was exactly that. What his perception of it was and what my perception was and it was in no way that I intend or in any way to challenge the veracity of Senator John McCain, whom I have the greatest respect for.

It was a difference based on a set of facts that he had and a set of facts that I have and I will make my side of that available for the record.

The CHAIRMAN. Thank you, Senator.

Senator Reid?

Senator REID. I know that time is late. I do want to say this. I think, for my peace of mind, it would have been much better had we ended these hearings the first day. Because there there was very little controversy, it would have made for a nice clean hearing and we could have gone home and not worried about it.

I have learned a great deal in these 3 days. The fact is, they did not end the first day, and I think we have a lot of facts that are going to take a lot of digging.

I want to publicly commend and applaud you and Senator Smith and the entire staff for the fine hearing that has been developed. I was a trial lawyer before coming back to Washington and personally prepared and had prepared many, many cases. This is starting out like a very well-prepared case and we should come to a good conclusion.

The CHAIRMAN. I appreciate that comment very much, Senator. It would be nice if this were clean and easy. The reason there are 3 days of hearings and the reason there is controversy is that there is controversy. If we are going to lay this out, there is no way to avoid that. There is nothing that is going to be easy about it.

On the other hand, I really see a framework that is coming out of these 3 days. I also must tell you that until proven otherwise, I am convinced that Secretary Cheney's put himself on the line here in a way that no other Secretary of Defense has done.

This Committee is going to do its utmost, obviously, to follow-up on that and hold that to account. I have worked closely with these people over the last weeks and I believe they want this issue resolved.

I also believe that there is a new page that has been turned over in terms of the openness. Now, that proof will be in the next weeks—very shortly. We are told that much is to be declassified. We are told that much will be available that has never been available before and some of it already is.

So bear with us. If you do not get something right away, I hope it is mostly because we are understaffed and overworked and not because there is an effort not to get it to you.

But I suspect this process is going to open up. And the test of that will be our work and your cooperation with us over the course of these next weeks.

We will not not ask any questions and we will not avoid seeking the answers, no matter how difficult they are.

On that note, we stand adjourned.

[Whereupon, at 7:35 p.m., the Committee adjourned.]

POW/MIA POLICY AND PROCESS

FRIDAY, NOVEMBER 15, 1991

U.S. SENATE,
SELECT COMMITTEE ON POW/MIA AFFAIRS,
Washington, DC.

The committee convened, pursuant to notice, at 9:40 a.m., in room SH-216, Hart Senate Office Building, Hon. John F. Kerry, chairman, presiding.

OPENING STATEMENT OF HON. JOHN F. KERRY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

The CHAIRMAN. The select committee will come to order. Good morning, our apologies for starting a little bit late this morning. We were having a Members meeting from 8:30 this morning. We were hearing some testimony in closed session and now are moving into the open session.

As everybody knows, this session is the wind-up, if you will, of the initial 3 days of the select committee's hearings. I have said previously, and I am not going to stop repeating it because I think it is terribly important to keep in mind, that the opening days are exactly that—opening days—and their purpose is to outline the parameters of this issue.

We heard from the administration, we heard from veterans organizations, we heard from a foreign witness, we heard from people who have been on the ground in Vietnam for the first time ever in the course of this kind of inquiry, and we heard from the families. We agreed that since we knew that certain kinds of allegations were going to be made, that it was fair to permit those against whom the allegations were made to come back and to be able to answer some of those in open session in order to help the committee but also in order, in fairness, to be able to address those as a matter of public record, and that is why we are here today.

But again, I emphasize on behalf of the entire committee, and we have just in our own meeting with Senators confirmed our inclination to proceed efficiently and quietly to a certain degree in these first months with a significant number of depositions and a significant number of private meetings in order to gather facts, and to separate fact from fiction, and do the best job that we can of trying to lay out reality here. But I will confirm that every Member feels very strongly that no stone should be left unturned, but every Member also feels very strongly that at the appropriate moment, obviously it all has to be laid out in public, or we become part of the problem, and we do not intend to let that happen.

So this is not a morning for long opening statements. I will say something for the record and ask any of my colleagues if they want to add quickly to that.

Senator McCain. I wanted to add one brief comment, Mr. Chairman. We have been contacted by many people who wish to testify before this committee. Obviously, this committee cannot take personal testimony of every person who wants to, but I know that they are all assured that we will take their deposition, their statements and read with interest any statement or any information that they feel needs to be brought before the committee, correct?

The Chairman. That is absolutely correct. We welcome that information. We know there are people out there who have it. There are also people out there who think they have it and do not, and we want to make it very clear that the committee is not going to tolerate folks who want to use us as some kind of springboard or platform for wild-eyed, cock-eyed theories that have no basis in fact whatsoever.

We are going to be tough with respect to that, and we have a process set up to try to do it, but we do want at the end of this process for everybody who has legitimate information to feel that this committee was receptive to it. We already have met with people that have never been part of any prior inquiry. We are going to meet with other people who have never been part of any prior inquiry, and I suspect that the chips will fall where they may in that process.

Mr. Ford, thank you for coming back. We appreciate it, and without further ado we would welcome any opening statements that you and Mr. Sheetz and Mr. Quinn want to make. I do want to swear you in again, which is important.

[Witnesses sworn.]

STATEMENT OF CARL W. FORD, JR., ACTING ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS; ACCOMPANIED BY ROBERT SHEETZ, CHIEF OF THE SPECIAL OFFICE FOR PRISONERS OF WAR AND MISSING IN ACTION, DEFENSE INTELLIGENCE AGENCY

Mr. Ford. Thank you, Mr. Chairman. We very much appreciate this opportunity to come back this morning. I wish I could tell you that we had been able to, in the past week, do all of the homework that we plan to do and that we have been able to respond to all of the questions and concerns and allegations.

We haven't, but as the Secretary pledged to you, we are committed to carry through 150 percent, is that we will provide you with anything you request, and that we see this as an opportunity to lay out for the committee what we are doing and how we do it, and we believe that that opportunity will be a positive thing for us and the families and the American people.

I have taken some of the comments that we have been able to develop so far and put them into my statement, and I'd like to go through that. I will be submitting as I go along various documents for the record. My staff and I are already at work going beyond that, but it will be given to the committee as we complete it over the next few weeks.

First, I'd like to clarify a point that came up in last Thursday's testimony concerning the phrase, last known alive discrepancy cases. This is something that's been confusing to a lot of people, and we've tried to put some rigor to our definition so that hopefully we can dispel some of the confusion.

The way we define a discrepancy case is a case about which the U.S. Government has convincing evidence that the Governments of Vietnam, Laos, or Cambodia, should have specific knowledge. The term, discrepancy case, includes not only individuals who were last known alive, but also individuals who we are not certain of their fate, or who were known dead but for whom the Indochinese Government should be able to provide information or remains.

As you can see, the definition is broad. Within this broad definition, we have identified three sub-category cases. We did this because over the years a great deal of confusion has developed over what precisely we were talking about when we use the terms, discrepancy case, compelling case, last-known-alive case, Vessey case. All meant different things to different people.

The three sub-categories of discrepancy cases are first, the last-known-alive cases, those cases in which the U.S. has information that the individual survived the loss incident and fell into enemy hands. In the case of air incidents, this includes cases in which the crew members are believed to have successfully exited their aircraft and have been alive on the ground. In the case of ground incidents, this includes cases in which individuals were last known alive, were not gravely wounded, and were in proximity to enemy forces who should have specific knowledge of the incidents.

The second category is a POW at Homecoming, a specific group of individuals who, during the Vietnam War, were classified by their commanding officers and service Secretaries as POW's but did not return during Operation Homecoming. These cases are also known to many families as last known alive, due to their POW status. There were 97 individuals so listed. Subsequently, 42 listed POW's have been accounted for through unilateral Vietnamese repatriation. The remainder are still unaccounted for.

The third category are those that we think that the Vietnamese, or the Laos, or the Cambodians, should have knowledge of the incidents. Circumstances of loss or subsequent information is convincing that Vietnam, Laos, or Cambodia, should have knowledge of the incident. In some of these cases there is convincing evidence that the individual did not survive the incidence of loss. In many cases, there is convincing evidence, however, that Vietnam also has remains.

With this background, now we'll shift to the 119 individuals who have been discussed in the testimony here called variously the Vessey cases and the Vessey discrepancy cases. The first point to make is that from the beginning the list was not meant to be all-encompassing. In 1988, DIA, JCRC, General Vessey, and the Office of the Secretary of Defense, worked together to develop a list of most compelling last-known-alive cases as well as other discrepancy cases, i.e., cases of individuals for whom the Vietnamese should have knowledge of the fate of the individual and the remains if the individual is dead.

The list was not exhaustive, merely illustrative. The primary purpose was to shed light on the live prisoner issue by asking the Vietnamese to help us solve cases in which there was either hard evidence or a strong possibility that the individual survived the incidence of loss but did not return in Operation Homecoming, and for whom, as of 1987, there had been no accounting.

So far, despite our investigative efforts, we have not returned any live Americans or uncovered proof that unaccounted for Americans are alive in Vietnam. There are additional cases beyond the 119 individuals which fit into the discrepancy case definition. Again, not all of the Vessey discrepancy cases involve individuals who were last known alive. Some of them involve individuals who are known dead, but the Vietnamese should be able to provide information or remains.

In addition to the 119 individuals whose cases were presented to the Vietnamese by General Vessey, we determined that there are 64 other individuals who meet the last-known-alive definition as well as 13 individuals who were classified by the respective service Secretary as a POW at Operation Homecoming in 1973, and who are not included in the Vessey cases, who are otherwise not accounted for.

This group of cases will be the focus of the full-time efforts of the Hanoi Office under the CINCPAC joint task force already described to this committee by General Christmas. They will all be investigated within Phase 1 of the CINCPAC plan.

Next, I would like to address an issue which has been implicit in the testimony you've heard from many family members regarding DIA. The issue of family members and DIA analysts meeting directly to discuss individual cases has proved problematic. DIA is an intelligence collection and analysis agency. Their personnel are not trained for family outreach, and the function of family outreach is not an appropriate one for that agency.

The families' primary point of contact for discussion of their cases is the designated Service Casualty Affairs Office. Those offices are staffed with personnel trained to perform the family outreach role. In cases where the family is dissatisfied with the service received from the Service Casualty Affairs Office, the proper place to redress that problem is with my office.

The problems experienced within DIA that resulted in the changes made by the Secretary's management inquiry associated with Colonel Peck related to functions assumed by the POW/MIA office that were not within their mission. Those functions have been removed and placed within my office.

Where it is appropriate, if there are questions about the intelligence, what we will do is, when they meet with us, we will ask Mr. Sheetz or members of his staff to join with us when we meet with the family so that they can explain from their perspective the intelligence, but that the meetings are conducted and the contact with the families are done by myself and my staff.

Let me now turn to some allegations that were made by Dr. O'Grady. We certainly understand the grief felt by Dr. O'Grady over her family's loss. We have reviewed the O'Grady case file, and we believe that Dr. O'Grady's family has been properly served by our casualty affairs process.

The O'Grady case is one in which we believe that the family has been promptly and accurately notified about investigative activity and information relating to the case. Dr. O'Grady's sweeping allegations of Government nonfeasance, malfeasance, and misfeasance, are without factual basis.

For example, Dr. O'Grady states that her family was advised from the time that her father became missing that he was dead. That statement is quite simply wrong. From immediately after his incident of loss, the Air Force believed there was a good possibility he survived. He was seen to eject from his aircraft. He was seen with a good parachute, and his chute was seen on the ground, but he was not in it. All indicates were that he survived his ejection.

Colonel O'Grady was carried in a missing-in-action status until 1977, when his status was reviewed at the express request of the primary next of kin, and his status changed to deceased, and a presumptive finding of death was entered in his case.

Senator McCain. Who was the primary next of kin?

Mr. Ford. His wife. A second most serious allegation was made by Dr. O'Grady which requires discussion. She alleged in her testimony that identifications were made with teeth and teeth fragments, but when independent forensic anthropologists were consulted there were no dental records to be compared to. Again, this is absolutely false. There has never been a dental identification rendered by the U.S. Army Central Identification Laboratory without benefit of dental records. In every case, either an antemortem dental x-ray or dental chart was available to provide the factual predicate for the dental identification.

The Chairman. Let me just interrupt you for a moment. Where does that come from, her perception that it was not there? Do you know?

Mr. Ford. I don't know, but I have Col. Johnnie Webb, who is the head of our CIL–HI facility in Hawaii here, and if there are questions about this, he can either answer them for the record later, or you can call him to testify.

I have a detailed written response to other allegations made by Dr. O'Grady in her testimony that I would like to submit for the record, but let me note, I always feel personally very uncomfortable when I have to make statements like this that suggest that a family member has not gotten the story exactly right. It also suggests that somehow I'm portraying the Defense Department as never having made any mistakes with the families, or not having always been sensitive to their concerns.

As I said the other day, there are too many examples—more than I would like to have to explain to you—where we have, in fact, made mistakes and not been as sensitive as we can, and we will not try to hide that fact. All you have to do is talk to some of these family members and realize how distraught they are over so many years, and how difficult it has been for them, and when mistakes are made they clearly remember them.

But again, it's also important for us to make sure that the professional—professionals in our casualty offices and our various offices like CIL–HI, when charges are made, we also have to defend them as well.

Let me move on to Robertson, Stevens, and Lundy. As dissatisfied with the Department's performance as the families clearly are, the Department of Defense has vigorously pursued the investigation of the photo.

I have personally made myself available to the families to answer their questions and respond to their concerns, as has my staff and the Director of the DIA Special Office for POW/MIA Affairs.

We have been unable to either confirm or disprove the identifications of the subjects in the photo made by the family members. We are continuing to investigate the photograph. Any—any suggestion by the families that there has been less than an honest effort to investigate and locate the source of the photograph is disingenuous. The facts establish otherwise.

We have requested assistance from the Vietnamese at the highest level of Government. We have sent three separate investigative teams to Cambodia to follow up information in an attempt to locate the source of the photograph. We have requested all of our defense attaches worldwide to search for the photo.

We have tasked several technical means to obtain information on reports associated with the photographs, and have established all-source collection requirements to obtain additional information about the photo, the individuals, or the associated reporting. We are continuing to investigate vigorously. However, without some new leads we may not be able to solve the mystery of this photo.

Finally—and this is an important point—the Colonel Robertson case is not closed. It is still under active investigation, and any preliminary judgments made have been set aside pending further investigative activity and information. I would like to submit a brief written response to the specific allegations contained within the testimony of the families for the record.

Next, let me turn to Mr. Donahue's testimony about his brother, and if I might, let me just read very briefly from the transcript of that testimony. He was asked by Senator Reid about getting the live sighting reports, and Mr. Donahue said, yes, and I would like to mention one, if I may, right at the top, if I can read from it. I also have information about live prisoner of war.

And he reads information about a live prisoner of war named Jefferson Donahue—that is a phonetic spelling—date of birth, airplane number, and it gives the aircraft number, and it gives my parents' zip code in Florida instead of the aircraft number, and how this guy in the jungles of Laos ever got my parents' zip code number?

And Senator Reid then said, where did you get that, and he said, this was a live sighting report provided, classified. This is the declassified version provided by the Defense Department.

Let me also submit for the record a fact sheet that was circulated by the family in Southeast Asia, and let me just read briefly from that. It's toward the end, and it shows a photograph of Mr. Donahue's brother and some of the information about him, and then at the end it says:

The family of Capt. Morgan Donahue is willing to underwrite by prior arrangements the cost of obtaining credible and demonstrable physical evidence of his survival—i.e., fingerprints, photographs, et cetera. They will also offer a substantial reward to anyone arranging for his escape or delivery alive and well to a location to be mutually agreed upon in the city of Bangkok, Thailand, where he would be met by his father and others.

No information on how he reached Bangkok, who brought him there, or how he managed to get back to the United States, will ever be disclosed to anyone, including representatives of the Thai Government or the United States. At such time as arrangements are made with persons capable of this task, the family of Captain Donahue will provide information which can be used to positively identify only him.

Captain Donahue's father can be reached at No. 7 World Green, Cocoa Beach, FL, U.S.A., zip code 32931, and his telephone number is—and then it gives his telephone number.

I think it is quite clear where it is possible that this person in the Lao jungle got the zip code of Mr. Donahue's brother. Unfortunately, it probably came from this flyer with the offer of a reward.

The CHAIRMAN. When was the flyer distributed?

Mr. FORD. I will have to check, Mr. Chairman. I'm not sure. The one I have doesn't have a date on it, but I will get that for the record.

[The information referred to follows:]

Over a period spanning two decades, members of Morgan J. Donahue's family and others have circulated flyers in Southeast Asia seeking information on the missing Air Force officer. Attached is a 4-page, undated information sheet which we believe was circulated circa 1979. Note that the last page clearly lists the address of Captain Donahue's father, including his zip code.

In 1987 an ethnic Lao in Thailand told DOD interviewers that Jack Bailey had given him a Lao language flyer on Captain Donahue. The Lao man, who claimed to have been previously involved in gathering POW information and remains, said that based on the flyer on Captain Donahue he planned to give up his other activities and devote himself solely to searching for Captain Donahue.

FACT SHEET—MISSING U.S. AIRMAN

Name: Morgan Jefferson Donahue
Rank: Captain, U.S. Air Force
Serial No: 560–587–7424 FR
Date of Birth: 2 May 1944 (Age—34 years)
Place of Birth: Hollywood, CA, USA
Height: 6 feet 4 inches (1.90 meters)
Weight: 175 Pounds (79.2 kilos)?
Hair Color: Dark Brown
Eye Color: Very Dark Brown
Teeth: A lower broken front tooth has a plastic cap

Captain Donahue, then Lieutenant Donahue, was assigned to the 606th Special Operations Squadron (Candle Light) of the 56th Special Operation's Wing at the Royal Thai Air Force Base at Nakhon Phanom, Thailand, located adjacent to the Mekong River between Thailand and Laos. He was a Navigator flying a C–123 flare dropping aircraft. The air distance between his base and the Ho Chi Minh Trail to the east where his aircraft went down was approximately 85 miles.

On the night of 13 December 1968, at 0300 hours, local time, Captain Donahue's aircraft, with a total crew complement of seven, the pilot, copilot, flight engineer, two navigators and two "Flare Kickers" (individuals who were responsible for dropping flares via the loading ramp in the rear of the aircraft to illuminate North Vietnamese vehicular traffic on the Trail moving south) were flying a mission at approximately 8,500 feet mean sea level (2,000 to 3,000 feet above the ground) on an assigned length of the Trail searching for surface movement of North Vietnamese vehicles, with the mission of illuminating such traffic by flares. Once such traffic was located and flares dropped, the C–123 aircraft functioned in forward air controlling capacity to direct medium size bombardment aircraft to any such target for ordnance dropping purposes. On the night in question, a convoy was spotted by the crew of the C–123, and a B57 aircraft loitering at a higher altitude was given the location of it and directed to it by radio by the C–123. For whatever the reason, in descending on its first bombing run, the B57 struck the C–123 cruising below it. Both aircraft were damaged in the collision and subsequently crashed. The B57 struck the ground near the bank of a river and the C–123 hit the ground in a wooded area in the nearby rocky hills (Karst).

It is not believed that either of the two pilots in the B57 aircraft survived the accident, however, the aircraft commander of the C–123 airplace parachuted safely from the aircraft and landed in the top canopy of one of the many tall trees in the area. He remained concealed therein until shortly after 0800 hours local time when he was rescued by a Jolly Green Giant helicopter. He was subsequently debriefed back at his home base, Nakhon Phanom, at which time he stated that he saw at least one other parachute descending beneath him in the darkness after he had bailed out of his aircraft, but it was too dark for him to identify the user. He was unable to say how many of his crew had successfully escaped from the airplane. The location of the crash scene of the C–123 was approximately 75 nautical miles from the Royal Thai Air Force Base at Nakhon Phanom on the 105 degree radial of the TACAN radio navigation station at that Base. The impact area was reported as being northwest of the village of Sepone (Tchepone), approximately at Ban Phaphilang (XD055824), which, at that time, was in Pathet Lao controlled territory as it is today.

No word was received on the fate of Captain Donahue after the accident in which his aircraft was involved until the Spring of 1975. At that time the Sepone inhabitants positively identified Captain Donahue from pictures and descriptive literature brought to them from Royal Lao territory. He was described as the American "pilot" who had landed by parachute near their village on the night of 13 December 1968. He apparently broke a leg on landing and was captured by Pathet Lao who took him away the next day in a cart.

In the summer of 1975, a credible source of information was arrested held by the Pathet Lao in their Headquarters Building in the City of Vientiane, Laos. According to that source, now in the United States, the name of Captain Donahue was regularly mentioned by Pathet Lao intelligence personnel as the list of Americans they were holding was periodically read off in briefings in the Headquarters. The source, who also reads and understands Lao, further stated that whenever the opportunity presented itself, a quick scan of Pathet Lao documents that were laying around on desks was made. A number of these documents reflected the names of U.S.. personnel still in Pathet Lao prison camps, and among them there always appeared the name of Captain Morgan Donahue. What the source of information saw and heard demonstrated that Captain Donahue was indeed alive and being held in a highly secure and little known prison camp near Sepone as recently as the summer months of 1975.

A third credible source of information, the former Director of National Security of Laos, was located and interviewed in 1977. He stated that prior to fleeing Laos in 1975, before the takeover by the Pathet Lao in 1975, he gave the names of over 200 American "pilots", who had been captured by the Pathet Lao after their aircraft had been brought down to the U.S. Embassy in Vientiane. Having some recall of the names on the list which he surrendered to the U.S. Embassy, he claims to have remembered that of Captain Morgan Donahue and affirms that there is an excellent chance that Captain Donahue is still alive in Laos.

Further, another credible, high ranking source of information stated that he had located and talked to Captain Donahue who was being held in a high security prison for American pilots near Phu Bhan. He subsequently planned a night helicopter escape for Captain Donahue, but unfortunately the takeover of the nation of Laos by the Pathet Lao at this same time precluded the effort from being made. The source of information disappeared about this time, and it is not yet known whether he was seized and taken to an indoctrination camp (seminar) to be "re-educated" or whether he was liquidated.

Particularly worthy of note is the fact that during one of a number of visits the father of Captain Donahue made to the villa, in Vientiane, of Soth Pethrasi, who was the Chief Delegate of the Pathet Lao prior to the takeover of the country by the Pathet Lao, he was personally told by Soth that the Pathet Lao forces had captured and were holding over 100 American "pilots". Soth refused to identify or give the locations where these Americans were being held and stated that the matter was one which should be formally addressed when the war was over.

During the 1973 prisoner release by the North Vietnamese after the Paris Peace Accords were signed by U.S. Secretary of State Henry Kissinger and Le duc Tho of North Vietnam, nine Americans were freed by Hanoi, but because they had been captured on the Ho Chi Minh Trail by North Vietnamese in Laos, the Pathet Lao claimed that the nine were being released by them and not the North Vietnamese. Intelligence sources allege that the Pathet Lao are still holding captured Americans because Kissinger did not recognize Laos in his Paris Peace Accords, and the Pathet Lao refuse to give their U.S. prisoners to the North Vietnamese to surrender to the Americans.

The family of Captain Morgan Donahue is willing to underwrite, by prior arrangements, the cost of obtaining credible and demonstrable physical evidence of his survival, i.e., fingerprints, photographs, etc. They will also offer a substantial award to anyone arranging for his escape or delivery alive and well to a location to be mutually agreed upon in the city of Bangkok, Thailand, where he would be met by his father and others. No information on how he reached Bangkok, who brought him there, or how he managed to get back into the United States will ever be disclosed to anyone, including representatives of the Thai government or of the United States.

At such time as arrangements are made with persons capable of this task, the family of Captain Donahue will provide information which can be used to positively identify only him. Captain Donahue's father can be reached at #7 Willow Green, Cocoa Beach, FL, USA, 32931. His telephone number is 305-783-2698 (home) and 305-853-2121 (office).

There was also the problem of fingerprints. There have been allegations made that fingerprints and other records have mysteriously disappeared from DOD files. There is no conspiracy to purge records. The Department of Defense does not maintain fingerprint records. The FBI is the sole agency with that responsibility. I request that this letter from FBI Director Sessions to Congressman Solarz explaining lost or purged fingerprint records be entered into the record.

[The letter referred to follows:]

U.S. Department of Justice,
Washington, DC 20535,
August 27, 1991.

Hon. Stephen J. Solarz,
Chairman, Subcommittee on Asian and Pacific Affairs,
Committee on Foreign Affairs,
House of Representatives,
Washington, DC.

Dear Mr. Chairman: On July 31 and August 2, you conducted hearings concerning MIA's from the Vietnam War, in particular, the recently surfaced photograph that depicts three individuals that are purported to be MIA's. Carl W. Ford, Jr., Principal Deputy Assistant Secretary for International Security Affairs, Department of Defense [DOD], was the principal witness for the administration at the hearings. At the request of DOD, the FBI had been requested to conduct analyses on the photograph and documents associated with that document. Additionally, the FBI conducted other analyses in relation to the MIA's.

As you are aware, DOD requested the presence of FBI representatives in the event certain topics surfaced in the course of the hearing. We provided experts on fingerprints and photography. We believed that their presence was necessary so that an accurate and complete record would be established if questions arose concerning those issues. These issues were mentioned in the course of the hearing, but more information is available that will make the record complete. I am taking this opportunity to provide that information and comment on another issue that was raised at the hearings.

By letter from you to Mr. Ford dated July 26, 1991, you requested an analysis of "finger and palm prints that the Lundy and Robertson families have received and have associated with their missing relatives." (In conversations with staff, it has be determined that this was a joint request with Congressman Robert J. Lagomarsino.) Since the FBI is the repository for fingerprints for military personnel, DOD requested the prints for these individuals, in addition to the third person linked to the photograph, Lt. Comdr. Larry J. Stevens. A search of FBI fingerprint files did not disclose a record for these three individuals. There are many reasons why we may not currently have those fingerprints and an explanation for the record may be beneficial.

The most logical reason for the absence of these prints may be the policy for purging files. In the case of military prints, if DOD reports an individual killed-in-action [KIA] or otherwise deceased, the print is placed in a special file for 7 years and then destroyed unless there is additional information furnished by the military. In testimony, Mr. Ford advised that the DOD had listed Maj. Albro L. Lundy, Jr., and Lieutenant Commander Stevens as KIA based on eye witnesses' accounts of each incident. Relevant herein is a list of 2,483 names furnished to the FBI by DOD in 1984. They were identified by DOD as being "Americans Unaccounted for in Southeast Asia." A search of our fingerprint files identified prints for 912 individuals from that list. The prints for the three individuals linked to the photograph were *not* among those with prints in file. All existing prints from that list are being maintained and are not subject to being purged.

Another explanation is that we never received fingerprints of those in question. But, it would perhaps be more than coincidental that the prints for three individuals linked to a single photograph would not have been submitted. This is particularly true given the policy of fingerprinting all military personnel. Unfortunately, due to the volume of civil prints alone, approximately 35 million individuals and 90 million cards, records of receipts are not maintained. In most instances, the only means to determine if there is a print on file is to check the index. The absence of an individual from the index only indicates the FBI never had a file. It could have been previously purged from the system, but, in most instances, there would be no record of the purge.

Fingerprints are frequently not capable of classification/retention due to their illegibility based on the quality of the inked prints that are submitted. When this occurs, the prints are sent back to the contributor with a request to obtain a legible fingerprint card for resubmission. It is not unusual to not receive a follow-up set of prints. As above, there would be no record if this occurred. As a point of reference, in the first three quarters of fiscal year 1991, the FBI Identification Division rejected over 790,000 fingerprint cards for this reason. Although historical figures are not available for the Vietnam War era, rejection rates for prints submitted by the military in early 1980's were about 15 percent.

In the course of the hearing there was testimony that the photograph had been submitted to a photographic expert to determine if the middle individual was identical to Major Lundy. According to the testimony of Major Lundy's son, 16 positive points of identification were made. It is the opinion of the FBI's photographic experts that due to the poor quality of the photograph such an identification process is not possible. Further, positive identifications from photographs are dependent on scars, marks, and other individually unique features. Additionally, the positive identification points that were recited by the witness are broad-based characteristics common in large segments of the population. This does not reject the possibility that an individual may "recognize" a particular person in a photograph, but it does reject the capability to make a positive identification through analysis, given the quality of the photograph and the absence of identifiably unique features.

One other issue raised at the hearing bears clarification. A Member raised the issue that the FBI had in its possession photographs of a possible MIA approximately 6 months before they were made available to DOD. As stated by the Member, these photographs were furnished to the FBI by a Congressman. However, no specific information was furnished the FBI that these photographs concerned a possible MIA. Even if they had been suspected to be MIA related, the FBI had no reason to believe that the photographs had not already been referred to DOD. Within a matter of a few days, these photographs were returned to the Congressman. I would also note that many communications between Congress and the FBI are considered to be privileged unless otherwise indicated. This is a privilege we do not take lightly, given the sensitivity of constituent and other matters that are referred regularly to the FBI. The FBI does not believe we acted improperly in this instance.

The FBI remains committed to assisting Congress and DOD in the resolution of the status of the MIA's. Submissions by DOD are being handled on a priority basis. Should you be in need of additional information as the FBI's role, please contact Charles E. Mandigo, Special Counsel, Congressional Affairs Office, telephone number 324-6028.

Sincerely yours,

William S. Sessions,
Director.

Mr. Carl W. Ford, Jr.,
Principal Deputy Assistant Secretary for International Security Affairs,

Department of Defense,
Room 4E813, The Pentagon,
Washington, DC 20301-2000.

To prevent a recurrence of this problem in the future, I have tasked the service Secretaries to examine possible alternatives to establish a redundant, independent source for military fingerprints separate from the FBI records. I will report to the committee and to the families when we have implemented a solution to this problem.

There were also questions about the Minority staff report. I am not prepared today to go through the entire report. One, we haven't had enough time to go through it line by line yet, but let me just go through some of our concerns about it.

I would like to point out a couple of glaring examples of poor research and errors. On page 5 through 8 of the report, the staff states "in fact, only 591 U.S. POW's were repatriated by the North Vietnamese during Operation Homecoming, which is 12 percent of the figure of 5,000 U.S. POW's held by the North Vietnamese reported by the New York Times."

The original New York Times article, the primary source material appeared on the front page of the 6 March, 1973 issue. The number 5,000 appeared only once in the entire article quoting an American source who stated at a meeting of the Joint Military Commission the previous day North Vietnam had demanded the release of 5,000 communist prisoners held by Saigon.

This 5,000 number cited incorrectly in the report has been often quoted by POW activists and is used within the report to lend credence to the allegation that 85 percent of American prisoners of war were withheld by Hanoi after Operation Homecoming.

A second inaccuracy is found in the prologue to Part 2, page I. The report states, "In spite of 1,400 unresolved reports of first-hand live sightings, the Department of Defense remarkably still believes it has 'no credible evidence.' How does it dismiss these reports?"

In fact, there are numerous inaccuracies in just that simple statement. First, while there have been over 1,400 first-hand live sighting reports, only approximately 100 are unresolved. Second, live sighting reports have not been dismissed. In over 75 percent of the first-hand live sightings received, DIA analysts have been able to establish that the report is true.

These reports involve POW's who returned at Operation Homecoming or have been correlated to other Americans or westerners, such as missionaries or individuals stranded in South Vietnam when the communists took control. Almost 300 relate to Private Garwood, who returned from Vietnam in 1979.

There are numerous other factual inaccuracies throughout the report. To catalogue the inaccuracies would require a document of equal length and would be beyond the scope of my testimony here today. A more important issue——

The CHAIRMAN. Can I interrupt you there for just a minute? I think this is something that I talked to you about a few months ago, and it was my understanding that it was going to be prepared, that just such a categorization—I think it is critical to have that.

Mr. FORD. We are in process of preparing it, sir.

The CHAIRMAN. I think the committee would welcome a page-for-page, line-for-line refutation and statement of accuracy. I think it is absolutely critical once and for all to resolve those kinds of things.

[The information referred to follows:]

The Minority Staff Report charges the Government with conspiracy and cover-up in its handling of the POW/MIA issue. The author's arguments, however, are grounded in speculation and cloaked in innuendo. Replete with factual errors, the Report relies on news articles and quotations taken out of context to prove its claims. The shoddy research and poorly supported reasoning reveals the authors' superficial grasp of the issue and make it appear as if they had formed their conclusions before undertaking an examination of the data.

The following examines selected passages of the Report relevant to the Second Indochina War and the Gulf War. Specific excerpts as well as general themes are addressed.

PROLOGUE TO PART I

Report: (Prologue to Part I, i) "On the record, the U.S Government has professed to give [the issue] 'the highest national priority.' Off the record, this priority vanishes. Instead, other considerations emerge: Grand visions of a foreign policy of peace and reconciliation; desire for a new economic order of trade and investment; ideological imperatives to downplay the hostility of antagonistic systems; and the natural tendency of the bureaucracy to eliminate its workload by filing cases marked 'closed' instead of finding the people."

Response: If, as the above polemic states, the bureaucracy's goal is to mark cases "closed" and "eliminate its workload," then it has clearly failed. More than 18 years have passed since the conclusion of Operation Homecoming, and only 316 of 2,583 missing individuals have been accounted for. Executive branch initiatives to secure information on our missing servicemen from the Vietnam era span more than five administrations. No administration has permitted diplomatic policy considerations or bureaucratic ennui to interfere with its efforts to search for MIA's. DOD challenges the Senate Foreign Relations Committee Minority Staff to describe even one instance where DOD suggested that the normalization of economic relations should be accomplished at the expense of accounting for POW/MIA's. While the results of the search for MIA's have failed to meet expectations, primarily because the communist governments of Indochina have refused to extend their full cooperation, the perception that the U.S. Government might have something to gain by falling to act is spurious. The minority staffers of the Senate Foreign Relations Committee are not the first individuals outside the Executive Branch to examine the government's commitment. Over the years, conspiracy and cover-up charges concerning the Government's handling of the POW/MIA issue have been repeatedly investigated by the Congress and DOD and found to be without foundation. A congressional mechanism has been in place since 1975 to exercise oversight. DOD and DIA activities and efforts in this area have been vigorously monitored by the House Select Committee on POW/MIA's, the POW/MIA Task Force of the House Committee on Foreign Affairs, the Senate Veteran's Affairs Committee and by the Senate and House Select Committees on Intelligence.

The Department of Defense remains committed to achieving the fullest possible accounting. Assets devoted to the collection and development of intelligence data to resolve the issue have increased steadily over the years and all available means of intelligence collection are routinely exploited. The U.S. is currently engaged in joint efforts with the Indochinese governments to investigate loss incidents, interview eyewitnesses, and excavate crash and grave sites. Diplomatic initiatives, however, have failed, thus far, to elicit their full cooperation. Access to records as well as to areas identified in live sighting reports has been limited.

Report: (Prologue to Part I, ii, iii) The Minority Report claims that the U.S. Government is unable "to cope with the problems of accounting for the missing," and offers, as an example, the case of SPC Melissa Rathbun-Nealy, taken prisoner by Iraq during the Gulf War. The Report states that her status was "initially listed as 'unknown,' then changed to 'missing,' a status distinct from that of 'MIA,' reserved for personnel unaccounted for in noncombat circumstances. The Report notes that she and SPC David Lockett, the individual with whom she was captured, were never listed as MIA or POW despite the existence of an abundance of information indicating that they had been captured. The authors claim that the failure to categorize them as such represented 'an important illustration of how DOD uses technical distinctions to avoid a finding of POW/MIA.' "

Response: The Minority Report's discussion of accountability during the Gulf War demonstrates the authors' fundamental misunderstanding of the difference between assigning a missing person a status as defined by the Missing Persons Act, and accounting for the individual in fact. The Missing Persons Act was written specifically to protect the financial interests of the missing servicemember and the next of kin. An individual's accountability is not addressed by the Act and only comes into play once someone is lost and the act is implemented.

Rathbun-Nealy's initial "unknown" status represented a category to which all missing personnel were assigned for an interim 10–14 day period to permit the commander of the individual's unit time to conduct a preliminary investigation. She was moved to "missing" and not "MIA" because hostile action had not yet commenced and, as a truck driver in a convoy, she was in a noncombatant role. Despite indications of her capture, she was not listed as a POW because the available evidence was not sufficiently compelling. The military services maintain strict requirements for confirming someone a POW not "to avoid" such a finding, but to protect the families from exposure to reasons for hope that are not absolutely verifiable. The underlying philosophy is to avoid error at all costs but to err on the side of caution if error is unavoidable. Meanwhile, the search to locate the individual in the enemy's prison system continues.

In Rathbun-Nealy's case, the Army Casualty Officer supplied information to her family which strongly indicated she had been captured. Although, the information was not considered by the Army to be sufficiently compelling to change her official status, the Army's determination did not diminish the commitment of DOD analysts to pursue all information relevant to her case on the assumption that she was alive and a POW.

PART I: THE SECOND INDOCHINA WAR

Report: (5–1, 4) Henry Kissinger's statement, in his book Years of Upheaval, that the U.S. "knew of at least eighty instances in which an American serviceman had been captured alive and had subsequently disappeared," is interpreted as proof that Kissinger believed at the time that these men were still alive.

Response: In making this statement in his book, Kissinger did not state that he believed the men were still alive. He simply commented on their unaccounted-for status. When their names did not appear on the list of prisoners returned after the Peace Agreement was signed, he asks, in the very next sentence following the one quoted in the Minority Report, "Why? Were they dead? How did they die? Were they missing? How was that possible after capture?" The Minority Report fails to note that these very cases are part of the 119 Vessey discrepancy cases, chosen to be investigated first because they demonstrated the most compelling evidence of men we believed survived their loss incident and for whom the Vietnamese should be able to account.

Report: (5–1) "However, news reports and other documentation stated that the U.S. Government left men—perhaps thousands of men—in the captivity of Communist forces in Southeast Asia."

Response: There is no credible evidence to suggest that the U.S. Government abandoned anyone who was a captive of Communist forces at the end of the Vietnam War. (See discussion of reference made to New York Times article below for source of reference to "thousands of men" above.)

Report: (5–2) "In fact, it was widely known that the Pathet Lao were holding many other U.S. POW's. On March 25 one news report stated: U.S. sources believe that a substantial number of the missing [in Laos]—perhaps as many as 100—still may be alive. The conclusions are based on inspections of crash sites by search teams and on intelligence reports."

Response: When the Paris Accords were signed, we had no evidence of live Americans being held in Laos. There have been numerous reports, from a variety of sources, suggesting that large numbers of Americans were being held by the Pathet Lao. During Operation Homecoming, nine Americans who had been captured in Laos were released by the Vietnamese. The Pathet Lao, however, never released any Americans who were listed as POW or MIA at the time the Accords were signed. One of the principle sources of the reports described above was Soth Petrasy, a Pathet Lao spokesman in Vientiane during the conflict. Souban Srithirath, Laos' Vice Foreign Minister, has stated that Mr. Petrasy's comments were sheer propaganda, made at a time when the Pathet Lao were trying to encourage their troops and supporters. Petrasy, in a separate interview, confirmed that his statements were "wartime propaganda" intended to rally Lao support.

Report: (5–8, 10) An Associated Press dispatch, referencing a New York Times article, is quoted by the report in the following manner: "While the North Vietnamese did not list a number of prisoners they wanted freed, The New York Times reported from Saigon today that American sources set the demand at 5,000."

The report goes on to build a case on the number "5,000" quoted from the Times, stating that "only 591 U.S. POW's were repatriated by the North Vietnamese during Operation Homecoming, which is 12 percent of the figure of 5,000 U.S. POW's held by the North Vietnamese reported by the New York Times." The report's very next paragraph goes on to correlate the number "5,000" even further. It states that "the number of prisoners which The New York Times reported that the U.S. Government demanded from the North Vietnamese—5,000—correlates with the statement of a former employee of the U.S. Government [Jerry Mooney]. This former National Security Agency (NSA) employee said in a sworn affidavit that the North Vietnamese repatriated only 15% of the U.S. servicemen they held in captivity. In other words, according to this source, the North Vietnamese kept 85% of the American POW's who were alive after March 28, 1973."

(5–10) The report bases further analysis on the figure "5,000," stating that "the North Vietnamese—apparently—were waiting for the reparations that Kissinger had promised them, before the vast majority of American POW's reported by the New York Times were to be repatriated. Doubtless, they held the prisoners back as human collateral. It should be noted that the 5,000 POW figure cited by the Times is slightly less than twice that of the U.S. official POW and MIA totals. However, it is likely that the 5,000 figure reflected the total number of individuals believed to be held by Communist forces in Southeast Asia at that time. This total would have included the total number of covert or Black Cowboy POW's and MIA's who were not factored into the official U.S. Government MIA and POW casualty figures for the entire Second Indochina War throughout Southeast Asia."

Response: The original New York Times article, from which the number "5,000" was taken, appeared on the front page of the 6 March 1973 issue. In that article the number "5,000" was mentioned only once, as a reference to a quote from an American source who states that at a meeting of the Joint Military Commission the previous day, North Vietnam had demanded the release of 5,000 Communist prisoners held by Saigon. Despite the authors' misinterpretation of the meaning of the New York Times' 5,000 figure, it, nevertheless, is consistently cited and incorporated analytically to support the Minority Report's key argument that thousands of American POW's were abandoned in Indochina.

Report: (5–9) "Some evidence suggests that a number of nonrepatriated Americans may have been turned over to Soviet control and subsequently transported to the Soviet Union. A former U.S. military serviceman, assigned to the NSA, provided the Minority Staff sworn affidavits that during the Vietnam War he 'tracked' a certain number of U.S. servicemen from their point of capture to their release to the Soviets for debriefings by both North Vietnamese and Laotian officials. This has not been corroborated, but information provided to the Minority Staff indicates that POW's may have been sent to the Soviet Union for interrogation and subsequent use of their special skills."

Response: Mr. Jerry Mooney, a former National Security Agency (NSA) analyst, has asserted over the years that the U.S. Government has or has had intelligence information that proves the existence of American prisoners of war left behind in Southeast Asia after the withdrawal of U.S. forces from Vietnam in 1973. Additionally, he has claimed that a portion of these men, those with special technical or intelligence knowledge, were transported to locations outside of Vietnam, specifically to the Soviet Union and China. Mr. Mooney's claims have been investigated and proven to be false (Details of the investigation are available for discussion in executive session.) Recent assertions from Soviet sources that an American POW from the Vietnam War was living in Kazakhstan and that Soviet officials interrogated American prisoners in Vietnam after 1973 are under investigation.

PROLOGUE TO PART II

Report: (Prologue to Part II, i) The position of the Executive Branch is that there is "no evidence" that living Americans exist in Southeast Asia, nor were any left after American prisoners were returned in 1973.

Response: The official position of the Executive Branch is as stated in the DOD POW/MIA Fact Book, dated July 1991:

"Although we have thus far been unable to prove that Americans are still detained against their will, the *information available to us precludes ruling out that possibility.*" (Italic for emphasis)

Report: (Prologue to Part II, i) In discussing the 1,400 or so live sighting reports, the report claims that "the U.S. Government has not judged a single one of these thousands of reports to be credible." It also claims that the 1,400 reports are unresolved.

Response: Both statements are wrong, as 75 percent of the live sighting reports have been judged to be true. They are simply sightings of accounted for Americans (i.e. returned POW's), or of Amerasians, Eurasians, Westerners, Russians and East Europeans who are mistaken for Americans. A large number are of Bobby Garwood. Because live-sighting reports come into DIA on a daily basis, the number of unresolved continues to fluctuate. Currently, approximately 100 remain unresolved.

Report: (Prologue to Part II, i, ii) Garwood's "court martial as a collaborator and deserter solved two problems for DOD. By bringing up the charges DOD sought to redefine his case as a voluntary expatriate and therefore not technically a prisoner—and it enabled DOD evaluators to dismiss fully 200 of the live-sighting reports."

Response: All returnees, who had personal contact with Garwood while they were held captive in the South, agree that he was not a POW but a "collaborator." Private Garwood was tried by a General Court Martial and convicted of aiding the enemy and assaulting a fellow prisoner of war. His conviction was affirmed by the U.S. Navy Marine Corps Court of Military Review and by the Court of Military Appeals. The fact that he was tried by a military court for desertion and collaboration stemmed from the charges initiated by fellow prisoners of war and was not in any way motivated by an attempt on the part of the Defense Department to deny any claims he may have had to being a POW. The close to 300 live-sighting reports judged to be of Bobby Garwood have not been dismissed, only resolved. They have been correlated with Garwood because the information they contain clearly identifies him and no one else. (For further information on Garwood, see Garwood File enclosure.)

Report: (Prologue to Part II, ii) Files are not accessible to the families.

Response: Through the armed services' casualty officers, the DIA provides all relevant information to families in accordarce with public law. The families receive all information that has been correlated to their missing member. The files maintained by the DIA, however, are classified documents because they contain information which identifies intelligence sources and methods. Before being released to the casualty officers, who in turn provide them to the next of kin, the documents are sanitized to remove sensitive information which may identify the intelligence source or reveal the manner in which the information was collected. The names of all associated individuals, including those of other MIA's, are also removed to protect their privacy and that of their families.

Report: (Prologue to Part II, iii) "Colonel Peck confirms that a 'cover-up' has been in progress."

Response: Col. Peck's allegations were examined by an internal DOD inquiry and were found to be without foundation. In testimony before the House Subcommittee on Asian and Pacific Affairs, he was unable to substantiate his claims. (See responses to inquiries 7, 8, and 10 in Committee letter requesting responses)

PART II: LIVE SIGHTINGS

Report: (6–1, 2) The U.S. Government's policy of dealing with the live-sighting reports is flawed. Weaknesses exist in methodology and procedures for collecting and analyzing information.

Response: DIA's efforts in examining reports of firsthand live sightings are predicated on the assumption that some Americans are still alive in Indochina. The urgency inherent in this assumption dictates that such reports receive the highest priority in intelligence analysis and collection resource allocation. Consistent with this determination, DIA's methodology emphasizes the fullest possible exploitation of live sighting reports. Reported information is rigorously compared with the aggregate of intelligence information available in DIA's data base, then developed and followed-up on as required, regardless of where it may lead.

All information is evaluated according to the plausibility, cohesiveness, and sufficiency of the data and all potential corroborative evidence. Upon receipt, live-sighting reports are examined to determine if the geographic location of the sighting, the time and circumstances of the sighting, and the details provided correlate to a known missing American. Related data is retrieved from DIA's extensive casualty, source, and camp files, and the information is compared with what is available in the report. All files of losses or known incidents of capture or imprisonment in proximity to the location reported are isolated for possible correlation as are all files of sources who have previously reported sightings in the same area. A similar procedure is then employed to isolate the files of missing individuals whose time and/or location of loss generally relates to that given in the report.

Based on these findings, a preliminary determination is made regarding whether the descriptive details provided by the source correlate to any of the missing Americans believed to be likely candidates. If the information is judged to be possibly pertinent to a POW or MIA, it is actively pursued by all available means. Data gaps identified may require that the source be reinterviewed, or that further collection efforts be taken. The establishment of the POW–MIA office in Hanoi manned by U.S. technical personnel, including a DIA analyst having extensive knowledge of Vietnamese record-keeping systems, and a DIA live-sighting investigator, facilitates the live-sighting issue. The Government of Vietnam has permitted representatives of the U.S. Government to conduct targeted information research through direct access to official archival material, and has begun to grant limited access to reported live-sighting locations.

A live-sighting report is considered resolved when it has been determined that the evidence is clear and convincing that the individual described has been identified or when analysis indicates that the report is clearly a fabrication. Once these analytical judgments are reached, DIA's analysis is then subjected to the scrutiny of an interagency review panel before the report is considered resolved. This panel consists of representatives from CIA, State Department (INR), OASD/ISA, OJCS, and DAMI–PO. Upon concurrence by the review panel, the report remains in DIA's data base where it is available for review by analysts working independently on other live-sighting reports.

Reports in which questions of correlation or validity remain unsettled are considered unresolved and are subjected to additional analysis and collection efforts until a final determination can be made.

Report: (6–3, 4) DOD correlated a sighting report of the capture of an American pilot to returnee Capt. James Hickerson, USN, instead of LTJG Dooley, so as to consider the report resolved. The minority staff claims to possess a written statement, made by CAPT Hickerson, that contradicts many of the details of his shootdown that he provided in his debrief.

Response: On 22 October 1967, LTJG James E. Dooley was flying an A–4E aircraft which was hit by antiaircraft fire following a strike mission in Haiphong. U.S. witnesses to the incident reported that LTJG Dooley's aircraft was streaming fuel and headed toward the Gulf of Tonkin, where it descended and crashed into the water just east of the Do Son Peninsula. There were no signs that LTJG Dooley ejected from the aircraft, no beepers were heard, and a search revealed no sign of survival.

The Senate Foreign Relations minority staff report claims that: a) DOD correlated a sighting report of the capture of an American pilot to returnee Capt. James Hickerson, USN, instead of LTJG Dooley, so as to consider the report resolved; b) "In 1973, a U.S. POW who had been repatriated said he saw Dooley's name written on the wall of a prison cell in Hanoi"; c) "Two Thai special forces' soldiers released from North Vietnamese custody in 1973 identified Dooley's photograph as a fellow inmate" and; d) A communist photo of captured U.S. pilots in Hanoi shows a partial profile of a person who "strongly resembles" LTJG Dooley.

a. The refugee report clearly describes the capture of CAPT Hickerson, whose own detailed POW debriefing account of his capture, given immediately following "Operation Homecoming," closely follows the source's reporting. The minority staff's "analysis" of the fore mentioned live-sighting report is a classic example of how raw reporting, without access to a data base of facts, can be misinterpreted. In this instance a Vietnamese refugee source interviewed by the Joint Casualty Resolution Center (JCRC) in December 1986, reported firsthand information on the capture of a U.S. pilot in what he believed was October or November 1968. The source described seeing a man in a parachute land on the beach and attempt to evade by swimming out into the water. The source says the Vietnamese shot at the swimmer to limit his movement, and local forces swam out to capture the man. He also says that the pilot began firing at the Vietnamese and attempted to talk on a hand-held radio, but was unable to do so due to waves. He goes on to report that the pilot wore a one-piece uniform with a long zipper in the front and that the POW was blindfolded and his arms bound behind his back before he was loaded into a sidecar. He adds that he was later put in an automobile and driven away.

Based solely upon the loss location, time of day and month, JCRC originally believed the report could relate to LTJG Dooley; however, when the facts of CAPT Hickerson's capture were later brought to their attention (JCRC did not have access to his debrief at the time the original correlation was made) they reevaluated all reports from that area and rescinded their tentative correlation to LTJG Dooley, concluding that the source's information described CAPT Hickerson's circumstances of capture.

The minority staff says that CAPT Hickerson has provided a written statement of his capture, claiming "he could not have been swimming out to sea when he was captured," and refuting other points in the source's story. They say that "Hickerson was taken to prison riding on the back of a bicycle, not in a jeep as the fisherman described."

While DIA does not possess the alleged written statement from CAPT Hickerson to which the Senate staff refer, we do have his 1973 debriefing in which he details the events of his December 1967 capture. Upon returning to the U.S., CAPT Hickerson told debriefers ". . . (he) collapsed his parachute, he found himself face-to-face with about 100 civilian personnel. He immediately separated from the parachute and started running out into the shallow water, after going a short distance he detached his seat pack and commenced *swimming seaward.* About this time rifle shots started splashing in the water around him . . . . "At this point Hickerson saw he was about to be captured so he pulled out his survival radio and sent the message . . . to his wingman. He then stopped, put up his hands and surrendered to the DRV swimmers." In his debrief CAPT HIckerson goes on to describe how he was stripped of his clothing, blindfolded, his hands tied behind his back and how he was put on the fender of a motorcycle and taken to the fishing village. Later that day he was also moved in the sidecar of a motorcycle, during which time he was seen by crowds of people who threw rocks and sticks at him.

While there are slight differences in the source's account and CAPT Hickerson's as reported in his debrief, the refugee report clearly refers to the former POW. It is noteworthy that the source was only 13 years old when he observed the event, and 19 years passed between the time he saw CAPT Hickerson's capture and the time he reported it to U.S. authorities.

b. No returnee ever claimed to have seen LTJG Dooley's name on a prison wall. DIA is not aware of anyone claiming to have seen Dooley's name written on the wall of a prison cell. This story appears to stem from a returnee who reported that another POW had mentioned seeing Dooley's name on a wall; however, the POW to which the story was attributed never mentioned Dooley in any manner in his debriefing or later interviews.

c. The Thai POW's did not identify Dooley's photograph as a fellow inmate with any certainty. When shown a pre-loss photo of LTJG Dooley, they were uncertain, saying only that they saw a similar face in 1968 at a prison known as the "Zoo." Based upon other information they furnished, it is clear that they saw another individual who subsequently died in captivity, but who bore a physical resemblance to the preloss photograph of LTJG Dooley they were shown. There is no information that points to LTJG Dooley's capture or to his being imprisoned at the "Zoo" or any other prison.

d. LTJG Dooley is not depicted in any post-capture photographs. With one exception, every POW photograph from the war has been identified. The one remaining unidentified photo is clearly not the missing Naval aviator. DIA possesses no post-capture photographs that can be attributed to LTJG Dooley.

PART II: "BLACK OPERATIONS"

Report: (7–1) The names of all individuals unaccounted for have not been made public. Personnel lost in covert or "black" operations are declared KIA and are not included.

Response: No one is missing from the public list, and there is no secret list. The authors of the report are under the illusion that the U.S. Government considers a man accounted for if a presumptive finding of death has been made. In fact all the MIA's were presumed dead by the early 1980's, with the exception of COL Charles Shelton, USAF, who remains listed as a POW for symbolic reasons. A presumption of death, however, in no way changes the Government's obligation to account for those missing. The Senate staff members appear to have confused legal, administrative procedures with DIA investigatory methodology—two approaches having totally unrelated purposes.

PART II: ACCOUNTABILITY

Report: (8–1) The means of arriving at accountability is questionable.

Response: The U.S. Government's goal of fullest possible accounting is achieved by resolving individual cases. A case is resolved when either an individual or his remains are returned or when a convincing explanation of why neither is possible can be formulated.

Within the U.S. Government's goal of fullest possible accounting, General Vessey's specific goal is to illuminate the POW issue by utilizing a number of discrepancy cases.

During the Vessey process, we have collected sufficient intelligence to confirm the fate of 56 individuals: 22 have been accounted for through the return of remains; 34 are known to have died but have not yet been accounted for.

Joint investigation of an incident proceeds on the assumption that the man is alive. The case is investigated until the man is located and returned alive or until evidence confirms that he did not survive. Once death is confirmed, the investigation/negotiation continues until his remains are returned or until it is determined that there is no likelihood of remains recovery.

In the course of the investigations witnesses are interviewed, crashsites are visited, aircraft wreckage is studied, and excavations are mounted.

DIA's primary role in the joint investigation process is to collate and assess information derived from U.S. and Vietnamese files and from the investigations themselves.

Data gaps are identified, some of which Vietnam is requested to fill through research of wartime records, provision of additional witnesses, or site surveys and excavations.

All information is evaluated according to the plausibility, cohesiveness, and sufficiency of the data, amount and type of corroborative evidence, and credibility of the source.

To confirm an individual's fate an analyst assesses whether the evidence available firmly identifies the individual involved and whether it proves that death did or did not occur. If death is indicated, an analyst must assess the prospect for recovery of remains by determining the reliability of evidence revealing the location of death and by taking into account the possibility that the individual's remains may have already been recovered.

Clear and convincing evidence must be obtained before any judgement is rendered regarding the death of an American or a decision made that remains are not likely to be recoverable. The process is a rigorous one. DOD believes every effort to obtain information must be exhausted before a determination can be made.

Report: (8–4) Dr. Michael Charney is cited for his charges that CILHI has misidentified and deliberately lied about the identification of remains.

Response: A Professor Emeritus at the University of Colorado, the report cites Dr. Charney as a forensic expert critical of CILHI's methodology. He has never visited CILHI. He is the same Dr. Charney who claimed to have scientifically determined the photo, now known to be of a Lao tribesman, to be that of Navy Lt Daniel Borah. Dr. Charney's photo identification methodology is based on the computerized superimposition of "edge" images where a known image is superimposed on the image in question and the two photos' various "edges" analyzed for overlap. According to a photo analysis expert from Sandia National Laboratories, the integrity of "edge" images remains questionable since the "definition of an 'edge' in a digital image is somewhat subjective." The Sandia expert concludes that a definitive identification cannot be made using this technique alone.

PART II: THE FRENCH EXPERIENCE

Report: (9–1,2,3,4) The French experience in Vietnam is a precedent for U.S. experience.

Response: In 1954, 6,900 persons, of whom 2,200 were native French, were carried as missing from French expeditionary forces. These were not prisoners but rather men lost under uncertain conditions. All native French prisoners were returned by the end of October 1954. A tiny number of non-French and non-Vietnamese remained in North Vietnam but not against their will. Of the Vietnamese serving in French forces who were carried as missing, some had changed sides prior to the end of the war. These indigenous Vietnamese decided to settle in the North. According to the French Government, the Geneva Accords, ending the war, were implemented, and no one remained behind against his will.

EPILOGUE

Report: (10-1,2,3,4,5) The report's authors claim their conclusions parallel those of Col. Peck.

Response: (See response to Col. Peck's charges of cover-up, Prologue to Part II, iii and responses to inquiries 7, 8, and 10 in Committee letter requesting responses to the Select Committee's inquiries.)

Mr. Ford. A more important issue that this committee should address of Mr. Usry is why he and other staff members of the Senate Foreign Relations Committee staff have withheld from the Department of Defense information relevant to the investigations of the Stevens case and the Borah case. Not only has Mr. Usry withheld information that would have assisted the Department of Defense in more expeditiously investigating these cases, but he has stood by while Senate staff members directed sources not to provide their information to members of my staff, the DIA, or others within the Department of Defense investigating these cases.

Mr. Chairman, for example, I hope that you will question Mr. Usry about how long he had the Borah information before July 1991. When the Department of Defense finally received the information, we resolved the case in less than 2 months.

The Chairman. In point of fact, the family doesn't think you resolved it, is that accurate?

Mr. Ford. I'm not sure that that's the case. Let me go through this next part of my testimony, because I think that there were also allegations made by Judge Gayden and also by Jack Bailey that I would like to address myself to.

I unfortunately was unable to either be here or watch on C-SPAN the testimony of Judge Gayden and Jack Bailey, and I also unfortunately, or fortunately, did not read the transcripts until yesterday when I was preparing for this testimony. I am glad that I didn't. I was so outraged——

The Chairman. Let me just interrupt you for one second if I can. We want to try to keep this hearing going so we don't have an interruption. Senator McCain will chair while I go and vote, and let me just say for the record, Senator Smith was not here at the outset simply because it is his amendment on the floor right now and we are voting on it, and I think he'll be back shortly. So if you could keep going, we will try to keep running through.

Mr. Ford. I was mentioning that I was glad that I didn't finally get around to reading those until yesterday, because I was so outraged that I'm sure it would have affected my whole week.

The Borah and Carr families have been the losers as a result of the allegations made by a number of individuals before this committee. Family confidence in their Government has been further eroded by the unsubstantiated and specious claims of Government conspiracy. Mr. Sheetz will later discuss the Carr case in detail. However, I would like to spend a moment on the Borah case and the allegations made by Judge Gayden before this committee.

Judge Gayden's allegation that the Department of Defense would knowingly provide to the family, the Congress, and the American people altered photographs of the meeting between our investigator, Bill Gadoury, and the individual is outrageous.

Even more disturbing is the fact that Judge Gayden, an officer of the court, would allege that he obtained a photo analysis of the photos of the meeting and then assert that DOD photos are frauds. This committee cannot stand by and let these gross distortions of fact go unnoticed. If Judge Gayden's photo experts believe the DOD photos are a fraud, he should produce their reports or their testimony or an affidavit or other suitable evidence.

Our investigators, with the help of the Lao, found the individual photographed in Laos and identified as Lieutenant Borah. The individual is not Lieutenant Borah. The Borah family has been convinced by Judge Gayden's bailiff, Khambang, that the individual is Lieutenant Borah, and Khambang has accompanied the two Borah sons to Laos. Khambang's blood relative in Thailand passed the roll of film containing the Borah photos to Khambang in the United States.

Khambang has a long history of providing POW-related materials from as early as 1985, and none—not one of these leads has ever proven valid. I have a fact sheet on Khambang that I would request be entered into the record. The Judge Gayden-Khambang connection needs to be thoroughly investigated. I hope that this committee will undertake that task.

If I might, I would also like to add some of my own personal involvement in this particular case. Judge Gayden made much of the fact that we have put Lieutenant Borah in jeopardy by having his photograph appear on Laotian TV. I would simply note that the first time I saw the photograph was on NBC, and that after having seen the photograph and noticing the remarkable resemblance between the photographs of Lieutenant Borah and this photograph that was on NBC, we tried to get hold of the photograph.

There was a period of weeks when it was in almost every newspaper in the United States, almost every television station, probably throughout the world. We couldn't get a hold of it. Until Senator Smith interceded we were unable to get the information. Once we had the information, we were able, using the photograph and working with the Laotians, to find this individual that was in the photograph.

The only question about putting people in jeopardy was a long period of time in which this information was withheld from the people that our Government has tasked the job with checking out all of these leads. The notion that Bill Gadoury, who appeared before you, would allow himself to be inserted in a photograph that had been doctored, or that he had doctored a photograph, I just find totally outrageous that anybody would make such a claim.

He was here before you. You had an opportunity to meet him. The fact is that he was under oath, and that all we have done is tried to do our job, and when we do our job, then some other story comes up, and guess who seems to be behind much of all of these allegations, Mr. Khambang.

Mr. Khambang is someone who was involved also in Mr. Usry's secret trip in August. He had reported that he had information about the Stevens case, and Robertson, Lundy—particularly Stevens—and that there was information that if they went to Southeast Asia, that he would be able to provide our researchers with information.

This was communicated to the Secretary of Defense. He agreed to allow a plane to be diverted to take this mission. I know this for a fact, because it happened to be diverted away from me. I didn't know it at the time, but I was in Hawaii with the Under Secretary of Defense at a meeting and we happened to have the only aircraft that was unmarked to be sent into Southeast Asia, only to find out that it had been redirected. We also supplied by request individuals who were polygraph investigators.

Mr. Khambang hit Bangkok and was told go find your sources and bring them in. After much delay, and explaining why he was having difficulties, he finally brought in one individual. Mr. Usry and the team of investigators questioned him. They polygraphed him, and they concluded that he was lying.

When during the interviews, as I understand it has been told to me, the source that Khambang brought in indicated that he had provided this famous map of various people located in Vietnam that were being held prisoner on an island, he was asked a very simple question. Well, could you draw us again that map? When he could not draw the map or barely draw at all, they asked the obvious question, well, who did draw it?

Well, guess who drew it? The same people that are providing Khambang with the Borah photograph information, and at the time in August we had not located the Lao hill tribesman. We did not directly make the connection that here were two cases in which Khambang had clearly been involved, one in which his source failed to polygraph, and the second in which the photograph had obviously been taken of the wrong man and had been given to the families as possibly being Lieutenant Borah.

Now, it takes a lot of our time and a lot of our energy, and it certainly is frustrating to me, but all of that pales in comparison to what this puts the Borah family through. The fact is that they have been led to believe not only that their son was still alive, and all that that trauma involved, but when it was proved to be false, fabricated, they now are being told, no, no, no, that's not true, your Government has altered the photograph, all of this coming from a guy who was clearly involved in scams.

Now, I don't think that—that anyone here, or certainly anyone in the Pentagon, can feel very comfortable with the notion, beat up on us, call us names, but the fact is that the people that really get hurt by this are the families who have these people coming around preying on their uncertainties and their concerns about their loved ones, and it ought to stop, and that's one reason we think that this committee is one of the best ideas going, because hopefully we will get to the bottom of this.

I would ask Mr. Usry as a challenge, if he is so interested in investigating cover-ups, if he is so interested in investigating us, fine. Do it. Do your best. But why doesn't he spend some of his talent and some of his time investigating what are clearly egregious incidents of preying on these poor families, and as far as I'm concerned, we've got to do something. I don't have all the answers, but I know we have got to do something.

Now, let me talk about Mr. Bailey. Mr. Bailey, along with two Congressmen, requested to see high officials in the U.S. Government and Secretary Cheney agreed to see Jack, accompanied by two Congressmen. I was present, Secretary Wolfowitz was present, others were there, and during this meeting Jack presented some of the information that he had been unwilling to provide over several months of intensive efforts to try to get him to share with us, and we thanked him for it.

He also provided the name of this notorious Mr. X. In fact, it was done—he was so nervous about providing the name that he only told it to me, not to the Secretary, not to the Congressmen. There was this writing on a piece of paper and he was showing it only to me. I did not speak Laotian, and so I just simply took it at face value. After all of this rigmarole and mystery to get the name, it was sort of like giving us Smith, and it's someone in the New York phone book. It was not even spelled correctly and was absolutely of no help to us.

But beyond that, the most important aspect of the meeting was that we thought that there was a reconciliation between Jack and the Defense Department and that we got up from that meeting believing that Jack had volunteered to make all—not one, all of his sources available to us, not only on the Carr case but on other cases. He mentioned a Lao general and various other people in Thailand and Laos that he would make available to us and agreed that they could also be polygraphed.

We indicated that just having the information without being able to sit down and talk to the sources directly for some extended period of time and getting the details we would not be able to really do much with the general information that we had been getting from him up to that time.

He agreed to all of this, and I thought that here is the man that has the only real leads that we know of to the Carr photograph, the most compelling of the photographs that I have seen, where our experts that have looked at this photograph suggest that it could very well be Carr, and here is our primary access, and he has agreed to work with us and bring the sources in and give us their telephone numbers and let us talk to them, polygraph them.

He indicated in a general way that he was going back to Thailand soon. He then mentioned to the Secretary that he had one major concern. He felt that the whole operation and his sources were going to be undermined by our efforts to investigate using the Thai police and Thai intelligence services.

Let me just mention that the reason that we had to go to the Thai police and Thai intelligence service is because Jack Bailey would not give us any more information.

We had a compelling photograph, the requirement to move with urgency, and nowhere to go. So we were putting together all the bits and pieces we had, and sharing it with Thai intelligence, and saying, "Have you seen this person? Do you know where we can find him, where we can talk to him?"

But, because of Jack's great concern, and because he was the real source of where these people were, I walked out of that meeting. I went back and ordered that all investigations by the Thai police and Thai intelligence cease; if they were going on, stop them.

We also wanted to make sure that the opportunity that Jack was providing us wouldn't be somehow undermined or interfered with, by his being fearful that we were somehow involved with the wrong people.

I will have to tell you that I got a lot of advice that I was making a mistake. Our only credible leads, at that point, were trying to take the bits and pieces we had and let the Thai police and others help us try to find people.

I have to admit that I thought about it, and, in the end, my judgment was that Jack has the best information so far, and he actually talked to the people that took the photograph, or know who took the photograph, and so I called it off.

We then, and Bob Sheetz can go into this in greater detail after the meeting, turned over Jack to my staff and DIA to talk to him in more detail about the information he was providing.

Because of the urgency of the case, and the compelling nature of the case, and because I had turned off our only other investigative efforts, I was obviously concerned about when Jack would be going back to Thailand. He had promised the Secretary very soon, and he suggested it would be the next week.

When he did not appear to be interested in going back quickly, we began to call and suggest, "Why can't you go? I thought you said you were going back to Thailand. We are holding things up for you, Jack."

Finally, it turned out that part of the problem was money, and so we bought him a ticket. When he finally got ready to go, we were prepared to help him as much as we could. We saw this as a cooperative effort.

We sent one person from our staff, a very senior person. Bob Sheetz went, and Col. John Cole, who was already in Thailand, who was there to help with working Jack's information, and helping move forward on the Carr case.

I do not know, other than second- and third-hand, what happened after that, and I will let Bob Sheetz finish the story from there.

Let me just simply go over, in very general terms, that instead of producing all these sources he had talked about, these telephone numbers, this Lao general, we had one person who refuses to be polygraphed who spins a yarn that appears to be untrue.

Then, when they cannot come up with the assurances they have given to me, to the Congressmen, and certainly to the Secretary of Defense, all of a sudden there is this mysterious American that is threatening lives and paying $50,000 for this, that and another thing.

If I have ever seen a cover-up, this is it. The fact is that what is being covered up, for whatever reason, is that Jack Bailey went to Southeast Asia with our assistance, with our hopes, with our prayers, and came up empty.

I am not going to be blamed for that, and I am not going to let my people be blamed for that. If there is an American, mysterious or no, that is threatening lives, we will get to the bottom of it.

If we get a name, we will check it out, but the fact is, that my judgment is, that every time we go and try to pin people down for detailed information, when they do not produce, we get blamed.

They are the ones to blame. They either put up or they shut up, continually coming back and saying, well, it was not my fault, or we were duped, or we had people following us down the streets of Bangkok, I am sorry.

We went the extra 1,000 miles. We went the extra 6,000 miles, and I do not think that Defense, the Secretary, or anybody at this table, or anybody on this committee should be blamed for the failures of Jack Bailey to provide what he promised he was going to provide.

The CHAIRMAN. Were you not informed, Mr. Secretary, who that individual was that is alleged to have interfered?

Mr. FORD. I have been given the name that, I think, was passed on from your staff, and I was shocked. I was shocked that is who they said this American was. We have contacted him, he denies it categorically.

The CHAIRMAN. I was just curious whether there had been a contact there. Was Mr. Bailey at any time polygraphed?

Mr. FORD. No. Not to my knowledge. Certainly not on this particular operation. Sir, that is the end of my formal and informal statement. Thank you very much.

[The prepared statement of Mr. Ford follows:]

PREPARED STATEMENT OF CARL W. FORD, JR.

Mr. Chairman, Senator Smith, members of the Committee, I would like to thank you for the opportunity to return to comment on issues that have arisen during the 3 days of historic hearings that you convened last week on the POW/MIA issue.

First, I would like to clarify a point that came up in last Thursday's testimony concerning the "last known alive" discrepancy cases. The definition of a discrepancy case is:

> A case about which the USG has convincing evidence that the Governments of Vietnam, Laos or Cambodia should have specific knowledge.

The term "discrepancy case" includes not only individuals who were "last known alive, but also individuals who were known dead, but for whom the Indochinese Governments should be able to provide information or remains. As you can see, the definition is broad. Within this broad definition, we have identified three subcategories of cases. We did this because over the years a great deal of confusion has developed over what precisely we were talking about—the terms "discrepancy case, "compelling case," "last known alive case," "Vessey case," all meant different things to different people.

The three subcategories of discrepancy cases are:

> *Last known alive:* Those cases in which the US has information that the individual survived the loss incident and fell into enemy hands. In the case of air incidents, this includes cases in which the crew members are believed to have successfully exited their aircraft and to have been alive on the ground. In the case of ground incidents, this includes cases in which the individuals were last known alive, were not gravely wounded, and were in proximity to enemy forces who should have specific knowledge of the incident.
>
> *POW at homecoming:* A specific group of individuals who, during the Vietnam War, were classified by their commanding officers and Service Secretaries as POW's but did not return during Operation Homecoming. These cases are also known to many families as "last known alive" due to their POW status. There were 97 individuals so listed. Subsequently, 42 "listed POW's" have been accounted for through unilateral SRV repatriation. The remainder are still unaccounted for.
>
> *Knowledge of the incident:* Circumstances of loss or subsequent information is convincing that Vietnam, Laos or Cambodia should have knowledge of the incident. In some of these cases, there is convincing evidence that the individual did not survive the incident of loss. In many cases, there is convincing evidence that Vietnam also has remains.

With this background, now I will shift to the 119 individuals who have been discussed in the testimony here, called variously "Vessey cases" and the "Vessey discrepancy cases." The first point to make is that, from the beginning, the list was not meant to be all-encompassing. In 1987, DIA, JCRC, General Vessey and the Office of the Secretary of Defense worked together to develop a list of most compelling last known alive cases, as well as other discrepancy cases, i.e., cases of individuals for whom the Vietnamese should have knowledge of the fate of the individual and remains if the individual is dead. *The list was not exhaustive, merely illustrative.* The primary purposes were to give the Vietnamese cases on which responses could be readily provided and to shed light on the live prisoner issue by asking the Vietnamese to help us solve cases in which there was either hard evidence or a strong possibility that the individual survived the incident of loss, but did not return at Operation Homecoming, and for whom, as of 1987, there had been no accounting. So far, despite our investigative efforts, we have not returned any live Americans or uncovered proof that unaccounted for Americans are alive in Vietnam.

There are additional cases, beyond the 119 individuals, which fit into the discrepancy case definition. Again, not all of the "Vessey" discrepancy cases involve individuals who were last known alive. Some of them involve individuals who are known dead—but the Vietnamese should be able to provide information or remains.

In addition to the 119 individuals whose cases were presented to the Vietnamese by General Vessey, we determined that there are 64 other individuals who meet the "last known alive" definition as well as 13 other individuals who were classified by their respective Service Secretary as a POW at Operation Homecoming in 1973, and who are not included in the "Vessey" cases who are otherwise not accounted for. This group of cases will be the focus of the full time efforts of the Hanoi Office under the USCINCPAC Joint Task Force earlier described to this committee by General Christmas.

DIA AS FAMILY OUTREACH ORGANIZATION

Next, I would like to address an issue that has been implicit in the testimony you have heard from many family members regarding DIA. The issue of family members and DIA analysts meeting directly to discuss individual cases has proved problematic. DIA is an intelligence collection and analysis agency. Their personnel are not trained for family outreach and the function of family outreach is not an appropriate one for that agency. The families' primary point of contact for discussion of their cases is the designated Service Casualty Affairs Office. Those offices are staffed with personnel trained to perform the family outreach role. In the case where a family is dissatisfied with the service received from the Service Casualty Affairs Office, the proper place to redress that problem is with my office.

The problems experienced within DIA that resulted in the changes made by the Secretary's Management Inquiry related to functions assumed by the POW-MIA Office that were not within their mission. Those functions have been removed and placed within my office.

ALLEGATIONS BY DR. O'GRADY

We certainly understand the grief felt by Dr. O'Grady over her family's loss. We have reviewed the O'Grady case file and we believe that Dr. O'Grady's family has been properly served by our casualty affairs process. The O'Grady case is one in which we believe that the family has been promptly and accurately notified about investigative activity and information relating to the case.

Dr. O'Grady's sweeping allegations of Government nonfeasance, malfeasance and misfeasance are without factual basis. For example, Dr. O'Grady states that her family was advised from the time that her father became missing that he was dead. That statement is quite simply wrong. From immediately after his incident of loss, the Air Force believed there was a good possibility he survived. He was seen to eject from his aircraft. He was seen with a good parachute, and his chute was seen on the ground, but he was not in it. All indications were that he survived his ejection. Colonel O'Grady was carried in a missing in action status until 1977 when his status was reviewed, at the express request of his wife, and his status changed to deceased and a Presumptive Finding of Death was entered in his case.

A second, most serious allegation was made by Dr. O'Grady which requires discussion. She alleged in her testimony that "identifications were made with teeth and teeth fragments but when independent forensic anthropologists were consulted, there were no dental records to be compared to. Again, this is absolutely false. There has never been a dental identification rendered by the U.S. Army Central Identification Laboratory without benefit of dental records. In every case, either a ante-mortem dental X-ray or a dental chart was available to provide the factual predicate for the dental identification. No other forensic laboratory in the world has as many independent procedural safeguards as has the Central Identification Laboratory. Should you have any further questions on this point, I have the Commander, U.S. Army Central Identification Laboratory available to respond.

I have a detailed written response to the other allegations made by Dr. O'Grady in her testimony that I would like to submit for the record.

ROBERTSON, STEVENS AND LUNDY RESPONSE

As dissatisfied with the Department's performance as the families clearly are, the Department of Defense has vigorously pursued the investigation of the photo. I have personally made myself available to the families to answer their questions and respond to their concerns, as has my staff and the Director of the DIA Special Office for POW/MIA Affairs. We have been unable to either confirm or disprove the identifications of the subjects of the photo made by the family members. We are continuing to investigate the photograph. Any intimation by the families that there has been less than an honest effort to investigate and locate the source of the photo is disingenuous. The facts establish otherwise. We have requested assistance from the Vietnamese at the highest levels of Government. We have sent three separate investigative teams to Cambodia to follow-up information and attempt to locate the source of the photograph. We have requested all of our Defense Attaches, worldwide to search for the photo in Eastern-bloc magazines. We have tasked national technical means to obtain information on reports associated with the photographs and have established all-source collection requirements to obtain additional information about the photo, the individuals or the associated reporting. We are continuing to investigate vigorously, however, without some new leads, we may not be able to solve the mystery of this photo.

Finally, and this is an important point, Colonel Robertson's case is not closed. It is still under active investigation and any preliminary judgements made have been set aside pending further investigative activity and information.

I would like to submit a brief written response to the specific allegations contained within the testimony of the families for the record.

DONAHUE ALLEGATIONS

Mr. Donahue stated in previous testimony that he has information about his brother, Captain Morgan Donahue, lost in Laos on 13 December 1968, and relates the fact that the presence in intelligence reporting of his father's zip code is proof that his brother is still alive in Laos, because only his brother could know the postal zip code of his father. In fact, the postal zip code of Major Donahue's father was contained within a widely circulated flyer that the family prepared and distributed throughout Southeast Asia. It is not unsusual that information contained in such flyers later shows up in intelligence reports about American POW's.

LOST RECORDS

There have been allegations made that fingerprint and other records have "mysteriously" disappeared from DOD files. There is no conspiracy to purge records. The Department of Defense does not maintain fingerprint records. The FBI is the sole agency with that responsibility. I request that this letter, from FBI Director Sessions to Congressman Solarz explaining "lost" or purged fingerprint records be entered in the record.

To prevent a recurrence of this problem in the future, I have tasked the Service Secretaries to examine possible alternatives to establish a redundant, independent source for military fingerprints separate from the FBI records. I will report to the Committee and to the families when we have implemented a solution to this problem.

SENATE FOREIGN RELATIONS COMMITTEE MINORITY STAFF REPORT

Mr. Chairman, Mr. Tracy Usry of the Senate Foreign Relations Committee Minority staff came before this Committee to defend the minority staff report, *An Examination of U.S. Policy Toward POW/MIA's,"* authored in large measure by himself. That report is replete with factual errors. I would like to take just a moment to discuss a few of the most glaring examples of poor research and error.

On page 5–8 of the Report, the staff states:

> In fact, only 591 U.S. POW's were repatriated by the North Vietnamese during Operation HOMECOMING, which is 12% of the figure of 5,000 U.S. POW's held by the North Vietnamese reported by the New York Times.

The original New York Times article, the primary source material, appeared on the front page of the 6 March 1973 issue. The number "5,000" appeared only once in the entire article—quoting an American source who stated at a meeting of the Joint Military Commission the previous day, *North Vietnam* had demanded the release of 5,000 *Communist* prisoners held by *Saigon.*

This 5,000 number cited incorrectly in the report has been oft-quoted by POW activists and is used within the report to lend credence to the allegation that 85% of American prisoners of war were withheld by Hanoi after Operation Homecoming.

A second glaring inaccuracy is found in the Prologue to Part II, page *i.* The report states:

> "In spite of 1,400 unresolved reports of first hand live-sightings, the Department of Defense, remarkably, still believes it has "no credible evidence." How does it dismiss these reports?

In fact, there are numerous inaccuracies in just that simple statement. First, while there have been cumulatively over 1,400 first-hand live sighting reports, only approximately 100 are *unresolved.* Second, live-sighting reports have not been dismissed. In over 75 percent of the first-hand live sightings received, DIA analysts have been able to establish that the report is true. These reports involve POW's who returned at Operation Homecoming, or have been correlated to other Americans or Westerners, such as missionaries or individuals stranded in South Vietnam when the Communists took control. Almost 300 relate to Private Garwood, who returned from Vietnam in 1979.

There are numerous other factual inaccuracies throughout the report. To catalogue the inaccuracies would require a document of equal length and would be beyond the scope of my testimony here today.

A more important issue that this Committee should address of Mr. Usry is why he and other staff members of the Senate Foreign Relations Committee staff have withheld from the Department of Defense information relevant to the investigation of the Stevens case and the Borah case. Not only has Mr. Usry withheld information that would have assisted the Department of Defense in more expeditiously investigating these cases, but he has stood by while Senate staff members directed sources not to provide their information to members of my staff, the DIA, or others within the Department of Defense investigating these cases.

Mr. Chairman, I hope that you will question Mr. Usry about how long he had the Borah information before July 1991. When the Department of Defense finally received the information, we resolved the case in less than 2 months.

RESPONSE TO JUDGE GAYDEN'S ALLEGATIONS

The Borah and Carr families have been the losers as a result of the allegations made by a number of individuals before this Committee. Family confidence in their Government has been further eroded by the unsubstantiated and specious claims of Government conspiracy. Mr. Sheetz will later discuss the Carr case in detail, however, I would like to spend a moment on the Borah case and the allegations made by Judge Gayden before this Committee.

Judge Gayden's allegation that the Department of Defense would knowingly provide to the family, the Congress and the American people altered photographs of the meeting between our investigator, Bill Gadoury, and the individual is ludicrous. Even more disturbing is the fact that Judge Gayden, an officer of a court, would allege that he had obtained a photo analysis of the photos of the meeting and then assert that the DOD photos are frauds. This Committee can not stand by and let these gross distortions of fact go unnoticed. If Judge Gayden's photo experts believe the DOD photos are a fraud, he should produce their reports, or their testimony, or an affidavit or other suitable *evidence.*

With the help of the Lao, our investigators made direct contact with the individual photographed in Laos and identified as Lieutenant Borah. *The individual is not Lieutenant Borah.* The Borah family has been convinced by Judge Gayden's bailiff, Khambang Sibounheuang, that the individual is Lieutenant Borah, and Khambang has accompanied the two Borah sons to Laos. Khambang's blood relative in Laos passed the roll of film containing the Borah photos to Khambang in the United States. Khambang has a long history of providing POW related materials, from as early as 1985; and none—not one—of his leads has ever proven valid.

I have a fact sheet on Khambang that I would request be entered into the record. The Judge Gayden/Khambang connection needs to be thoroughly investigated. I hope that this Committee will undertake that task.

BAILEY COOPERATION

Finally, I would like to clarify a point raised by Lieutenant Colonel Bailey in his testimony. *I would like to make clear for the record that the Secretary of Defense did* *not misspeak nor was he mistaken in any of the testimony he provided to this committee relative to Lieutenant Colonel Bailey.*

Bailey's promises of cooperation were made to the Secretary of Defense in the presence of myself, and Congressmen McCloskey and Visclosky in the Secretary's office. The Secretary's testimony correctly reflected who and what Bailey stated he would make available to our investigators. It also correctly reflected what Bailey told our investigators in Bangkok about where the photograph may have been taken. We have a chronology of our conversations with Bailey which I would like to make a part of the record. I have with me the individuals who were involved in the Carr investigation with Colonel Bailey and who will provide you the facts about their investigation. Mr. Bob Sheetz, the Chief of the Special Office for POW/MIA Affairs will address the specifics of the conduct of the Carr investigation of which Bailey was a part.

Thank you Mr. Chairman and Senator Smith. I am prepared now to respond to your questions.

The CHAIRMAN. That is an important statement. Thank you very much. Mr. Quinn, do you want to go next?

STATEMENT OF KEN QUINN, DEPUTY ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND PACIFIC AFFAIRS, CHAIRMAN OF THE POW/MIA INTERAGENCY GROUP

Mr. QUINN. Mr. Chairman, Senator Daschle, I, too, would like to say that I welcome the opportunity to come back.

The CHAIRMAN. Why not just identify yourself for the record?

Mr. QUINN. Certainly. I am Deputy Assistant Secretary of State covering Southeast Asia and Indochina, Kenneth M. Quinn.

Senator I think I have watched an awful lot of it on C-SPAN and some of it at about 4 or 5 in the morning, but I think having this available in such detail for all the American people to see, and have everything laid out, is very, very beneficial.

As a citizen, I sort of grieve over the fact that we have this problem so long after the war. It still is a sore that has not healed and has not been dealt with. I think that what you and the committee are doing is going a long direction in letting our citizens know exactly what is involved.

I would like to respond to some of the statements and allegations that were made during the week. First of all, there was one witness, the author of the book, Kiss The Boys Goodbye, who indicated that the Vietnamese official had made an offer to return 160 U.S. prisoners to the Woodcock Commission in March 1977, while the Woodcock Commission was in Hanoi.

I was a junior officer then. I was on the Woodcock delegation as an interpreter, somebody who is familiar with Vietnam.

I can tell you that no such offer was made at any meeting in which I participated, and I participated in all of the formal meetings. Nor was any such offer ever mentioned or discussed in any delegation staff meeting, or among the delegation staff when I was present. Nor was it included in any of the reports that were sent to the President of the U.S., which I helped draft, encrypt, and translate.

So I just wanted to be extremely clear that there was never any discussion mentioned of anything like that at any time during the period when we were in Hanoi. I assume that you would also be able to talk to members of the Woodcock Commission.

If there was some additional evidence, or suggestion of where this happened or when it happened, I would be happy to try to comment on that.

But just to assure you that this never came up in anything where I was present, and I was present for most all of the talks——

The CHAIRMAN. We intend to reach out, obviously, to all members of the Commission, and to others who were involved in that.

Mr. QUINN. Second, I would like to talk about the charge that Mr. Burch made about the destruction of records. I know you already have a letter from Assistant Secretary Mullins about this, the charge being that the Secretary Baker ordered, and the Department participated in, the massive destruction of POW/MIA records.

We got that charge. The first thing we did was to call Mr. Burch several times to try to find out more detail about this, because we were astounded by it. We thought we would answer this for him.

We have not been able to get any further information from him, so we ordered that a search be made, and that this be investigated.

We went through this once; I got the results, and said, I am not satisfied with this. I want to go back again and be signed off again by a senior official in every bureau that was named, including several others that were not named by Mr. Burch as having participated in this.

We have found no information that would corroborate this charge. The Secretary issued no such order, and no one we checked with participated in or knew of a massive destruction of POW/MIA records this year, or any other kind of destruction.

I can assure that, if such an order would be given, it would come to me—at least in our Bureau. I absolutely received no such order, nor did our people, or I, participate in any type of destruction of POW/MIA records.

Again, if Mr. Burch has some other information he wants to make available to us, we will, of course, pursue that.

There was also a charge, a criticism, of our overall policy, particularly the State Department's role in the POW/MIA effort, that we are at the behest of commercial interests, that we are rushing to normalize relations with Vietnam.

I doubt that those who would charge this have heard from the American businessmen and businesswomen who see me almost every day, and who leave, for the most part, disappointed.

I tell them that we will not have the domestic support system necessary for Government or a business to move ahead with Vietnam until we resolve the POW/MIA issue.

I add that there is hope for the future, because our policy appears to be working; but the embargo will remain in place until the proof is in.

American economic interests have high standing in our foreign policy, but in the case of Vietnam, these interests are weighed against even higher priorities.

It is true we are in a rush, a rush to obtain the fullest possible accounting for the 2,271 American POW/MIA's from the Vietnam War.

The uncertainty has gone on far too long. We are doing our best to energize the process and elicit the cooperation we need from the governments in the region.

We have had some notable success in the past year, but more must be done. As we get results, we will take the commensurate steps that will help put the past behind us.

The response from Vietnam is slow and begrudging. So, too, will be the pace and scope of normalization. At every opportunity, we remind Vietnam of this fundamental reality.

The steps Secretary Baker announced in Paris last month are not, as some have implied, the first moves in an effort to sweep the POW/MIA issue under a rug. Our motive is exactly the opposite.

These steps are being taken to elicit further cooperation on issues of great import to the United States, most particularly, that of POW/MIA's.

In April, when we presented the roadmap, we told Vietnam that if it took certain actions toward meeting our concerns, we would not, in turn, give evidence of our willingness to meet Vietnam's concerns.

In view of the signing of the Cambodian peace agreement, progress on POW/MIA's and other humanitarian issues, we took steps to assure the Vietnamese that we would be true to our word.

We acted, in short, to build the credibility necessary for further cooperation in resolving this issue. We judge the Vietnamese on actions they take, including their response to our requests.

For example, when I visited Hanoi this summer with the photos in which families identified their relatives, Vietnam provided new information and witnesses, publicized the photos, agreed to another excavation of the crash site, and gave us access to prisons for the first time.

Since then, they have agreed to streamline access for our live sighting investigators, approved visits we have requested in the Hanoi area and to offshore islands to investigate live sighting reports.

I read this morning the first report back from our office there about an investigation in the Hanoi area that had just taken place. They provided us additional information from a very useful, but apparently classified military record of aircraft shootdowns, and agreed to a new joint investigation beginning tomorrow.

We also asked Vietnam to agree to try lateral cooperation with Cambodia and Laos. All three countries have now agreed to this. We are working to arrange such meetings for the very near future.

There is a lot more they could do. For example, we expect the Vietnamese to insure that our live sighting investigator can follow up expeditiously on all credible reports, work out with us an agreement on increased helicopter support, once we have proposed a plan; agree to an extended plan for greatly expanded joint activities, including a live sighting plan; and recover and turn over for our review all available remains.

These actions could be done very quickly, and they would do a lot to solidify the base for expanded cooperation and accelerated normalization.

But what the leadership in Hanoi has so far failed to grasp, or at least, failed to act on, is that it could enormously improve the climate for normalization through an all-out effort to help us acquire the information we need to resolve the POW/MIA issue.

It is our task, our challenge to sustain and increase the momentum. We encourage, we prod, we stick to our principles, we point out shortcomings, and we will continue to do so.

In Laos, as you know, President Bush announced this week that we will be upgrading our relations to the ambassadorial level. This decision is made in recognition of increased cooperation, on POW and counternarcotics issues, and in the belief that upgrading will lead to further progress.

This same week, we have seen some positive developments in our POW/MIA effort in Laos. The Lao Senate sent a team up to Xiang Khoang province to pursue a report on the Carr photo, and a joint U.S./Lao team should join them shortly.

The Laos have also agreed to arrange a meeting between——

Senator McCAIN. What was the result of that?

Mr. QUINN. I do not have the results yet. They have also agreed to arrange a meeting between the Borah family and the subject of the photo previously identified as Lieutenant Borah.

We were able to interview Soth Petrasy, the former Pathet Lao representative, who made a number of statements about American prisoners during the war. And here, Senator McCain, I do have the results.

Petrasy said he never had any first-hand information on POW's, but relied instead on news reports and messages from Pathet Lao headquarters. Citing the communications problems they face, he expressed doubt that even the Pathet Lao leaders knew how many Americans had been captured.

Petrasy said his wartime statements that the Lao were holding numerous American prisoners were nothing more than propaganda designed to boost morale. He insisted that the Lao had released all prisoners at the end of the war, and that none were alive in Laos today.

Of course, his recent statements in no way diminish the very highest priority we continue to give to the live prisoner question. I am not saying we take his statement at face value, but we have had access, and I will report to you what he has told us.

On the Soviet connection, I want to say something else about our efforts to take advantage of the changing circumstances there.

The most recent example of our vigorous pursuit of the Soviet connection is that we immediately instructed our embassy in Moscow to dispatch an officer to try and confirm a Soviet press report that an American pilot shot down over Vietnam in May 1967, was brought to Alma Ata in September of that year, and then moved to Saryshagansk, Kazakhstan, where he allegedly still lives.

Our embassy was also asked to attempt to contact the Soviet citizen who was quoted in the article as having been involved in the transportation of American POW's out of South Vietnam in 1962.

Over the past few months, we have raised the issue of American POW's at the highest levels, Soviet and Russian Government officials, requesting any information about American POW's, and access to appropriate files.

President Bush raised the issue during the August summit meeting with President Gorbachev, and Secretary Baker reiterated our information request during his September visit to Moscow, and his October 23 meeting with Foreign Minister Pankin in Paris.

Given the new political realities in the Soviet Union, we have urged officials of the Russian Federation to provide any information that may be available to them, and in meetings I have held with senior Soviet diplomats who were stationed in Vietnam during the past decade.

They have separately, categorically stated that no information ever reached them during that period, indicating that there were live American military men in Vietnam.

This morning, we have gotten a cable back from Moscow, which indicates that our staff has spoken with the journalist who wrote the story. The journalist suggested that the English language version and the Russian version were slightly different in that the ordering of paragraphs was different, and that the English language version gave more certainty to the statements that the American was living in Saryshagansk.

The journalist indicated that this was a second-hand source, and he was not certain that the source that he was getting the information from was indicating that this person was still there.

We will endeavor to pursue it, and have somebody go there. There is not an airfield at that town, we will have to fly into someplace nearby. My understanding is that this town is in an area which has been considered militarily sensitive, and so we will have to ask permission.

I will assure you that we will pursue this; we have been in communication with our embassy in Moscow, and we will keep the committee informed through the staff of all of this as it proceeds.

Finally, I would like to take this opportunity to discuss another charge laid before the committee, that when I went to Hanoi this summer, I provided the Vietnamese Government classified documents pertaining to the Robertson case, documents that were not available to the family and which contain sources of U.S. information.

Let me state categorically that all information I provided the Vietnamese was sanitized; that is, all source information was removed, and this was cleared with the Defense Intelligence Agency, representatives with whom I worked in doing this.

The CHAIRMAN. That does not mean that it was not a classified document. In other words, the fact that you sanitized it means you took a source out, or you took the means out; but the information you gave them still would have been in a document under the title classified, which is not available to people here, correct?

Mr. QUINN. At that time, the whole document was classified. What we did was extract the information, and we made a judgment at that point that the information would be declassified.

The CHAIRMAN. I agree, Ken, and I understand what you are saying. I would concur that it would no longer be classified; but the point is, to the person who made the allegation, the document still was a, quote, classified document not available to that person.

Mr. QUINN. The documents which I——

The CHAIRMAN. You did not sanitize it and give it to the family, correct?

Mr. QUINN. I do not know.

The CHAIRMAN. But you did give it to the Vietnamese sanitized.

Mr. QUINN. That's correct.

The CHAIRMAN. So what the Vietnamese got was sanitized according to you, they got something that was not available to the family. That is the only point the family is making.

Mr. QUINN. The Defense Department is the agency that provides information.

The CHAIRMAN. The allegation that was made is that the Vietnamese were given classified information. And on the face of the paper that they were given might it have been they were classified because of the sources?

Mr. QUINN. I'm not—I don't know what documents were given to the three families or not. But let me make a point. It is my understanding that the Defense Department provides the information that can be attributed to a particular case. The most specific information which I gave to the Vietnamese about the prisons in Vietnam had absolutely no reference to Robertson, Lundy, or Stevens by name in that report. Now, I don't know if that is the reason that perhaps the family didn't see it.

We, in fact—I spent, as I told you the last time, hours and hours with Warren Gray and John Cole, who are both here, and their staffs in Bangkok, poring over all the reports, and we—through this work—identified the report about the prisons, because it originally was not included in the analyses that were done, in the briefing that I had here, as relevant to the case. And, yet, when we read that, we found that it was very specific information. It was about prisons, and it described the photo. Now, perhaps, you can argue it should have been, but it wasn't, and we then acted on that and, of course, got access for the first time ever to prisons in Vietnam as a result of it.

The CHAIRMAN. I understand that and I appreciate that, and I am just trying to draw the distinction between—and I just want to intercede very quickly. I think it becomes the family's perception problem and the question of the communication process. It is not inappropriate to you, I think, to be giving that information. I think it is essential to the resolution of this process and nobody would say you should not have done that. It is a question of their perception that they also somehow could not get it.

Mr. FORD. Even their perception in this case is correct. We had not provided them with that document, and when they received it——

The CHAIRMAN. And I think that goes to what the committee has been trying to say.

Mr. FORD. There are explanations for that, but the fact is that their view is correct. They had not received that document from us. As soon as we realized that it should be, we did. But that doesn't make up for it. The fact is that——

Senator MCCAIN. But you did give it to them?

Mr. FORD. Yes, sir.

The CHAIRMAN. Mr. Ford, I think that what this underscores, and this is not the first time it has been said, but we talked about this. We had a staff meeting of the committee a day or so ago, and I think one of the most important things that could come out of the early days of these hearings is a new structure, and a new relationship process with the families. I think you have agreed to that and, therefore, I think the sooner—within the next week or so—that we can get that relationship renewed, so that there is no longer this sense that they cannot get things or whatever, and my advice and counsel would be, since those families that want it—they sit with you and they deal with the realities of the information, whatever it is, and you walk them through it and you make it all available. Is there a problem with that?

Mr. FORD. No, sir. And, in fact, we clearly realize this needs to be done and we are going to do it. Whether we can do it in the next week, I hope, but I think that we will begin, and begin to talk to you on this committee. And talking with family members and talking among ourselves, to come up with not just a solution to this problem, but the solution or a better solution to how we interface with the families on everything. And my instructions, my marching orders from the Secretary, basically what needs to be done, we'll do it. And so if that means rather dramatic changes about the way we do business, those will be considered and, if necessary, we will do them.

The CHAIRMAN. I appreciate that. I am sorry to interrupt you.

Mr. QUINN. No, no. I think it is again important to emphasize that on that particular report, that these names were not mentioned in the report at all, and it's quite a long extensive report, and it took a lot of reading to get to the end to where the photo was a very small part of it. And it was only in reading all of this that sitting in Bangkok, at that time, that we made the connection and put the pieces together.

So up until the time I went to Hanoi, there wouldn't have been any reason to connect it to any of the three men involved. In fact, it was at a—it had another name, a different name in the report. It was not a report associated with those three men and was only, in our analysis, and here—credit to Warren Gray and John Cole for their work and bringing it to my attention, and the three of us working together—only because of that analysis, that we put it together and were able to go there and pursue that lead.

I also think it's important that you know that I stayed in touch with Shelby Quast throughout my mission. I phoned her regularly. I phoned her from Beijing, from Bangkok. I briefed her over the phone. When we came back, she came to my office. We spent an hour and 15 minutes together. Members of my staff were there with me. I went through—I told her what the Vietnamese told me. I told her of our approach.

I did not give her the documents, because I didn't think it was appropriate for the State Department to be a source of the documents. That should be done through the Defense Department. So there was an extensive effort, obviously not satisfactory, but on our part to keep them informed and I asked Shelby would she please be the conduit to present the information to the other families, since she was readily available in Washington, DC, and she said that she would on that.

So I—we felt that we were making every effort to do that. But I want to be clear, and I—I have the documents we handed over. I'm happy to give them to you, Senator, and to the committee. Even though they are unclassified, we think handling them sensitively was the right way to do it. There was a cooperative effort, again, building credibility with the Vietnamese on this.

They took us out to the prison. We provided them information about why we wanted to go. When they saw what we had on this, they made the decision—all right, we'll take you—on that, so we saw it as a way of getting access, of following up, of making every effort that we could to try to investigate this.

Now, I guess, just in summary I would say we handed over these unclassified documents with one purpose in mind. To obtain the cooperation necessary to resolve the fate of a missing American and put his family's mind at ease, and that, multiplied by 2,271, is our mission. The Department of State, in full cooperation with the Department of Defense, intends to continue doing all it can to achieve the fullest possible accounting for our POW's and MIA's from Southeast Asia. And, in this way, achieve the reconciliation with the countries of Indochina that's long overdue. So thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Secretary. Mr. Sheetz, do you have an opening statement?

Mr. SHEETZ. I do not. But I came prepared to discuss the Carr investigation. If I could have an opportunity, I'd like to amplify a bit on the topic that was just discussed with Deputy Assistant Secretary Quinn.

The CHAIRMAN. That will be fine, and if you want to share with us any observations on the Carr allegations that were made, we would certainly appreciate it.

Mr. SHEETZ. Surely.

The CHAIRMAN. And then we will proceed. I know members have a lot of questions and we do want to get into those.

Mr. SHEETZ. I would just want the committee to know that I was surprised myself to find out just this last week that the report that Mr. Quinn has been talking about did not get transmitted to the families, up to that point.

That report came in in August 1990. It did not mention Robertson, Stevens, or Lundy anywhere in the report. At the time it came in, it was the first time the photo of the three men had come to the Defense Department. There were no names associated with the photo. Ultimately, as Mr. Quinn has mentioned, we did receive that name correlation thanks to the families' identification of the men in the photo.

Somehow, in the rush of business, and there's been a lot of very frenetic activity on this case, that particular report did not get transmitted to the families. I had Debra Bardsley and Shelby Quast in my office last week. Mr. Kolesnik, an aide to Senator Grassley, accompanied them. I used that opportunity to share that report with her. The reason that we did that was, I have an FOIA request that has been passed to me by Shelby Quast.

The request is rather narrowly drawn, but I asked my staff to consider that request to be for any and everything, without regard to the definition that's in her request. In the context of doing that FOIA review, the report came to my attention. I should have known it before. I will take responsibility for the fact that the report—it was the first time I had seen that particular report, did not have name correlation to the case. As soon as I saw it, I said, my gosh, we've got to get this to the families. So I had it sanitized on the spot and I presented the appropriate part of that report to Shelby when she was in my office last week.

So there clearly was a slipup there. I will take responsibility for it. I'm the manager of the office. Although the report was in, as I said, in August 1990, once we did have a name correlation to the case, which we ultimately did, that report should have been provided to the family and it was an oversight.

For the committee's information, I'll summarize what the report says. Basically, a source provided the photo of the three men that we've come to know as Colonel Robertson, Albro Lundy, and Larry Stevens, and a second photo, that is the Federico Gonzales photo. The source says that his subsource, who passed him the photographs, said that he was given access to the prison camp west of Danang. He said he personally took both photographs, that four men were brought out of a confined location.

Three of them ultimately were grouped together with a banyan tree in the background, and he took their picture and that was the picture that ultimately became known as the Robertson/Stevens/Lundy picture. And the other picture that the subsource said he took was Federico Gonzales, and both those pictures came in to us. Federico Gonzales, as the committee well knows, is one of the fake pictures that came out of Soviet Military Review. It's actually a picture of a lieutenant general in the Soviet airborne forces. They drew a fake mustache on this man, and put a phony collar tab on his collar that says Federico Gonzales.

I have no idea if the source did take the Robertson/Stevens/Lundy photo, but I know for sure that he didn't take the Federico Gonzales photo, because that photo is a fake, unquestioned.

I assume the committee wants to know about where we are with the Carr investigation and I'd like to start out by saying I think there are a couple of Jack Baileys. There's a Jack Bailey who talks to the press and talks about how open and cooperative he's being. There's a Jack Bailey who talks with the Secretary of Defense and makes promises and doesn't fulfill them. And there's a Jack Bailey that I deal with, who bears no resemblance to the first two.

Since August, when I first met Jack Bailey, I have heard him say time after time, after time, in response to very detailed probing questions, "you'll have that information. I'll get it to you. I promise to give that to you. As soon as I get back to Bangkok—that information is over in Bangkok." When our people in Bangkok ask him for the information, he says, "well, that information is in California." And let me give you some specifics so that you can get your arms around this.

When I met with Jack for the first time, it was for 2 days of debriefing in the Pentagon in August of this year. Jack turned over copies of the Carr photos, and some of the negatives. He said that he had information on 16 prisoner-of-war camps in Laos. As soon as I heard that, I sent my staff downstairs to break out a 1:50,000 map. We laid that map down. I said, Jack, help us. Where are these camps? "I don't have those locations with me today. I'm coming in tomorrow, I'll bring them in tomorrow."

Jack came in the next day. We got the map out. Jack, come on, we've got to plot these locations so that we can get investigations rolling. "I wasn't able to bring that information in today. I found out I left it back in Bangkok. As soon as I get back to Bangkok, I'll get it for you." I got with Colonel Cole, who is the chief of Stony Beach. After those 2 days of debriefings we spoke with him, to alert him that as soon as Jack gets back to Bangkok, we've got to get the locations of these camps that he says he has so we can start the investigation. Jack never provided those camps.

On this last trip to Bangkok, in pursuing Jack's promises made to the Secretary in October, after Jack was unable to follow through or failed to make any sources available, and didn't reach any of the agreements that he said to the Secretary, I went back to that prior promise about the camps. "I'll get that for you," and Jack said, "I'll show you a videotape." Well, we saw the videotape. There was no specific information in the videotape, and when pressed to bring forward information that he—says he has about—16 locations where Americans are being held in Laos, we are still waiting.

I'd like the committee to realize how far the Government went in trying to work with Jack. After the October meeting, the day after he met with the Secretary, Jack promised to return to Bangkok promptly. I told Jack that I would personally come to Bangkok, along with Warren Gray and Colonel Jordan, from Deputy Assistant Secretary Ford's office, and that we would form a team and investigate the leads. Jack promised to get over there quickly and get things ready for us.

Well, Jack's departure was delayed. Ultimately, we got on the phone with him out in California, and convinced him he needed to get over there. We went out to California to meet him. The day prior to the flight out Jack informed us that he wasn't going. And why? "Well, I don't have any money to get over there." I said Jack, that's not a problem. I took my personal credit card out of my wallet. I called a travel agency, ordered a ticket and had it hand-delivered to Jack's address so that Jack would not have an excuse not to go over to Bangkok.

Later that day, Jack called and said, well, I have an illness in the family and I can't go. We reminded Jack of the commitments that he had made to the Secretary, of the importance of investigating this case. The most promising of all the photo cases that I have seen in my time in that office, since August. Jack said, "I don't think I can go."

The next morning we called him and said, Jack, please, you have the key to this investigation. You have all the leads. You have all the sources. Our investigative effort has been ordered to be stood down while we wait for you to provide your information, and until you connect with us on the ground, we're basically stymied. Well, Jack told us that his sister had died over the night and we expressed our sorrows to him. He said because of that he had some family arrangements to make and he would make those and join us in Bangkok in a day or so.

So we proceeded on to Bangkok. Jack did show up a couple of days later and, it's a very disappointing tale from that point on.

Over a period of 6 or 7 days he did not provide any leads, he did not provide any sources. The day before I was due to go back to Washington, other members of the team were staying on to continue to work with Jack, but I had to get back to help get ready for last week's hearings, and I told Jack that I was going to have to go back and other people would stay here and work with him.

I was saddened to have to carry back to the Secretary essentially a very disappointing message that we had not been able to make any progress, and I felt bad about that. Jack said well, he felt bad about it too and that he had pulled out all his stops and done everything he could and he felt poorly that he had not been able to come forward with any of his promises.

About an hour or two later at the embassy we got a phone call from Jack. Suddenly, Jack said, "I have got something for you. An individual who works with me," who he called Mario, had now been found. Mario was a critical link because he was the guy who says he introduced Jack to Mr. X, the fellow, if you remember the story, who Jack says actually took the pictures and was given access to the prison camp where Donald Carr is held. That really excited us.

So Jack said we will try to make some arrangements for you to meet Mario before you have to go back to Washington. I had a plane that was leaving at 5:30 in the morning, but nonetheless we ended up meeting Jack in one hotel and then it was like some sort of a cheap spy movie. He said, no this is not really where we are going to meet him. We are going to go somewhere else now, I just wanted to make sure that you did not have CIA guys tailing me.

I assured Jack that we did not, which we did not. But we went to another hotel location. The place where Jack wanted to have this interview take place was in the cocktail lounge of this very nice, modern hotel on the outskirts of Bangkok. It had a typical cocktail lounge, and band that you would never buy the record, but sitting there you will listen to them. The band played very loud. They got us a table, kind of close to the band. It was not sort of the arrangements that—I mean I spent 10 years as a Federal criminal investigator and I know how to do interviewing and I know there are certain environments that are good for it and certain ones are not, and I knew I was in one that was not all that good, but this was their show.

And so I said, well, can we move to a table that is at least a little quieter, and we moved. Mario was introduced to me. I went through a line of questioning to try to bring out Mario's name. And that was made light of the other day during Judge Turner's testimony, but in any case they did not provide Mario's name.

We started into the discussion and I said, well, Mario, I understand from Jack that he dispatched you, up country and into Laos to try to find Mr. X. "Yes, that is right. I looked for Mr. X." I said, "well, how did you do that, Mario?" Mario said, "well, I went to Laos and I went to places where I know Mr. X hangs out and I went to talk to people who know him and I went other places and asked people if they had seen him." And I said, "well, did you have a photograph or something that you could show people and say have you seen this man?" And he said, "no, I did not have a photograph. I described him to people."

And I said, "well, describe him to me, Mario." And Mario, gets this extremely worried look on his face and he looks over at Jack and he kind of goes like this, and Jack starts to talk and I said, Jack, please we are here to talk to Mario. Let us let Mario tell his story. I said, Mario, please, would you describe Mr. X to me? And Mario started rocking in his chair and you could see he was deep in thought and he said, "well, he is a Lao." And I said, Good, Mario, some specifics. And he said, "he is older than I am." Good. "He weighs more than I do." Good. I said, but Mario, if you are going to describe someone to someone who does not know a person, you are going to describe their face. Did he have long hair, or short hair, a long thin face, a round face, did he have a big nose, a thin nose, a fat nose, big ears, little ears, thin lips, fat lips? I said, did the guy wear glasses, and he said, "oh, no, no glasses." Every picture that Jack Bailey has given us of Mr. X he is wearing prescription glasses.

And I said, well, Mario, was Mr. X, did he have a beard or a moustache or was he clean shaven? "Oh no, he is clean shaven." Well, every picture we have of Mr. X, he has got a small moustache. It is not a very full one, but it is definitely a moustache. And we went on then to discuss with Mario how he conducted his search. I have to tell you, as someone who conducted investigations for some period of time in the employ of our Treasury Department, I know an evasive witness when I see one.

Mario was totally unable to provide any kind of embroidery or substantive detail to give me a comfort that this guy had really gone on a search mission. After 15 or 20 minutes I turned the questioning over to Bill Gadoury from JCRC, who was along with Colonel Cole. Bill Gadoury talked to him for about 15 minutes, well maybe half an hour, and basically, we got nothing from Mario; Mario knew nothing.

Mario did relay the story that was testified to last week by the other witnesses, Judge Turner and Jack Bailey, about this mysterious threat against Mario's life and against the life of his family and that large sums of money were offered by people in the U.S. Embassy to convince Mario not to work with Jack Bailey. They would not tell us. We did ask questions, well, what is this all about. And Mario said, I cannot tell you, they will kill me.

He would not give us the identity of this person. Basically we were told to drop that line of questioning. I have to tell you I came away from that period in Bangkok a very frustrated investigator. We went over there with high promise. Promises were made to the Secretary. Jack did give us a phone number that we could perhaps reach Mr. X at in upcountry Thailand. We called that phone number and there was no such working number.

Now, I do not know how other to describe it to you than as a very frustrating experience, without substantive detail. Jack Bailey showed us, he made a very, very excited lead-in to a videotape that he said would provide us substantive detail on U.S. prisoners. We invited him to the embassy to show us that videotape. And the videotape starts with something like this—we asked for a copy and he said we would get it, but like everything else, after numerous follow-ups we still do not have it, but the videotape starts like this:

It is shot from behind the individual who is alleged to be Mr. X. You never see his face. The camera never moves. It is on a tripod and Jack says, "well, I understand you have some information about prisoners in Laos. Will you share that with us?" And they fold out a map. It took them about 15 minutes to get oriented on the map. Where is Bangkok, where is Vientiane. Finally they got oriented on the map.

And Mr. X puts his finger on the map. They do not show you where it is because the camera is back here. And Mr. X says there are 168 prisoners here, and there are 33 prisoners here. And Jack goes, "168 prisoners, boy, that sounds a little preposterous." I am not sure the word was preposterous. I do not want to put that word out but he said, "that sounds a little high to me. Let's not talk about that one. Let's talk about the 33 that are over here."

And then they went through this incredibly long-winded dialogue totally devoid of any substantive detail. Jack says that videotape was shot in 1988 and that information ultimately developed into what we have come to now to know as the Carr case.

We have a memo for the record in the files of Stony Beach in Bangkok, dated March 1989: a phone call from Jack Bailey to Colonel Miki, then chief of the office. "I have some photographs," he called them the Carr photographs. "I am going to bring them in to you"—and he never came in.

The follow-up calls from the people in Stony Beach to Jack were basically like this; "well, I am trying to put together some more information. I want to give you a complete package. I will be in next week." And Jack never came in. The first time we saw those photographs was in July this year when they showed up on national television.

When we interviewed Jack in August I said, Jack, what have you been doing with these photographs? Why are we now just hearing about them, now, on television? "Well, I gave them to the Government over a year ago." Who did you give them to Jack? "To the Senate staff on Foreign Relations." I said, good, this is the first time we have seen them, so let's talk about them. In the interview in October, after the Secretary's visit, I said to Jack, we are kind of frustrated here, you are holding all the cards. You have got all the leads. If we are going to get to the bottom of this you have got to help us and Jack holds up the photographs and says, look, I am frustrated too. I have had these damn photographs over 3 years now and I have not been able to get anywhere with them.

Well, I will tell you why I am frustrated. How am I supposed to be in charge of the office that is conducting investigations, trying to find people, if private individuals are hoarding information and if it is turned into the Government and it is not given to me? I find that very frustrating. I find this whole case frustrating.

But at its core, we are left with the most compelling photographic evidence that the U.S. Government has seen. And there is one more thing that I have to tell you and I know I am being long-winded. But I think the committee needs to know this, and I think the American public needs to know exactly what is going on here.

When we met with Jack in October, he identified the location of this camp where Carr, and he told us 4 to 16 other Americans are held. He said, it is right here, in the northeast corner of the Plain of Jars between Ban Ban and Kon Kai, along where Route 7 runs. We had given Jack a map. At about 25 kilometers, apart, those two towns. The Senator knows this very well because I have been up here on the Hill briefing this information all summer long, telling people what we are doing and trying to get to the bottom of this case. Telling people all the intelligence assets that we have targeted against that location.

In October Jack tells us, "Well, that really was not the location," he said. "I felt like I could not trust you. The relocation is over here on the Burma border, 22 kilometers." So I have spent all summer, according to Jack, in wasted effort because he gave us the wrong location. He told the Secretary a location 22 miles from the Burmese border.

The next day, when we were sitting down talking, Jack says, "well, you know, I really not sure that he has been moved. I think he has been moved. When we get to Bangkok, it is not even the location 22 kilometers from the Burmese border. It is in the next province down, which is another 60 or 80 miles from the border, on a farm that is supposedly owned by one of the former royal princes of the Lao Government."

Through means available to us, intelligence means, we have been able to determine that neither one of the royal princes ever either lived or had a farm or any kind of a vacation or getaway location in that part of Laos. That part of Laos is an extremely hilly, mountainous area, very inaccessible, very poor, it is basically a place that time has forgotten.

One of the royal princes lived in Dien Tiem and one of the other royal princes lived in the eastern part of Laos. Neither of them lived in the western part, near the Burmese border. I do not know where to tell you, if Donald Carr is alive, where he is held. I have now got three locations that I have got to task all the available intelligence assets of the U.S. Government against.

We have made requests of the Lao Government to go in to allow U.S. investigators to come in and personally, physically observe these locations. Well, the only location we knew at the time which was the Plain of Jars, which Jack tells us now is not a real location. Maybe other people would have been more fortunate in getting information from Jack Bailey. Maybe the Senate has had better luck with him than we have, but it has been a very frustrating experience and I do not know how else to characterize it.

The CHAIRMAN. Well, I think, Mr. Sheetz, your testimony is very valuable and important and I do not think it long-winded. It was long, but not long-winded. It was and is important for the committee to get the full texture of this.

I do not think a lot of people have a sense of the full texture of it. I have no doubt that Mr. Bailey and others would have a different view. We are going to sweat all of that out in public. We are going to sweat all of it out. And it is going to require some time and energy of sitting down with both of you present and working at it but in a sense also your testimony underscores the extraordinary nature of this issue today.

When you think about the Secretary of Defense assigning an aircraft, personnel, and people flying over personally, a Government official pulling out his own credit card and getting a ticket and traveling that distance and putting all of his intelligence assets on the line and going the route, if you will, and then at the end of it being told, well, I did not trust you. Those months of effort were sort of a test. It really is an incredible statement about where we are in this process 20 years later. Now it is vital that we continue to air this in this way and I think it is very positive, frankly, for people to begin to make some judgments about who is doing what here and how.

Before we begin the questioning let me just say to you that I do not want to diminish how I am sure you feel sitting here and some of the folks behind you. It is no fun, as a Federal official, having your bona fides questioned and the committee is not questioning them in a way that I think some are. The committee is trying to sort out who knows what.

But I want to say to you and others behind you that we are sensitive to that. It is no fun. We get it every weekend or when we go home or wherever we are, but we ask for it. Except you are public officials and the system has come to a grinding gridlock of lack of credibility and we have got a requirement here to sweat it out. You understand that, but I just want you to know that I think there are a lot of extraordinarily dedicated people who are committed to this issue who are working day and night to try to find if somebody is alive and to bring them home and regrettably we are, where we are, because there is a then and there is a now to this issue.

To a certain degree Secretary Cheney, in his testimony here acknowledged this by saying, look, I think some mistakes were made, but it was not on my watch. And I certainly took it as a very significant demarcation point here, which is saying, we are doing our best. We are confident of what we are doing. But we understand that some things have happened in the past.

To the degree we can sort out what happened in the past and understand it, we are going to help to understand this issue today. And that is what I want to begin to get at a little bit here in the beginning of my first round of questioning.

You said we are seeking a full accounting and we begin with this number 2,273. But frankly, I do not know as I listen to testimony and I look at different numbers that are in front of us, what the real numbers are and we have got to ascertain that as to Vietnam, particularly as to Laos and cross check where we are. Now you say that we are still dealing publicly with this magic 2,273 POW/MIA's, but in point of fact, there are not 2,273 today, are there?

Are there not at least 1,000 of those that we could say, with certainty to families, that they are now known to be deceased. Is that not accurate?

Mr. Ford. In fact in just the last day or so we've changed the number to 2,271. Two families have been notified. But you're right, the list is made up of an assortment of different classifications of individuals. And there are a large number of people on the list that were reported by their commander, or someone in the field, that they were killed in action. But their body was not recovered.

And that these people, earlier on, were separated out into a different category. And at some point it was decided that we wanted to account for all of these people. If we couldn't determine and get the family an answer about what happened to the body or what happened the day they died, that they ought to be also included in this list. So they were merged with those that were missing in action. Also with those that were killed in action, body not recovered. And so that about half of the 1,000 figure is fairly accurate, or listed in our files as killed in action.

The CHAIRMAN. And are there not—I mean some of these reports that I have seen, at least to me as a former combatant—seem pretty valid. I mean they have a texture of two to three people in the unit saw somebody get hit, or there was a significant explosion and somebody was underneath it, and nobody could be recovered by virtue of that. And there were enough witnesses, whatever, that you could really—can you not say with a certainty what happened, as reasonable people look at it?

Mr. FORD. Senator, I'm not sure of all of the background. It was before my time, but my understanding, and I understand it now, is that it was a matter of credibility. This issue has not become a cause celebre or an issue that people were concerned about last year, or the year before. It is through this entire period there has been concern by the families and others about POW/MIA's. And so that at some point people began to question, well, did you really know they were dead? Was the report accurate?

In fact we know—well on the other hand, there were some commanders thinking they were doing the family some good—would know someone was killed in action and had very good evidence of that, and would leave them MIA or POW. And so that these lists were not all that black and white. There was some confusion at the time during the battle, and whatever.

So that as an act of mercy for people with all this uncertainty I think, quite rightfully—the people that still would like to find out what happened to their son, or their husband, or their father on the day he was killed. We also owe them an accounting.

The CHAIRMAN. I understand that, and I am not suggesting they should not get the accounting. What I am suggesting is that in many of those cases, at least to this Senator's reading, there is an accounting available. And I am uncertain as to why it has not been laid out in that way. I am going to come back to that.

I also, to take the other side of it, believe that for a significant portion of those numbers on the other side of that ledger, there are some huge questions. Now I am not going to abuse my time here. I want to come back to that in my second round. But there are some very significant questions about Laos and the correlation of people in Laos to those who returned. And we need to get to that.

I want this committee at this hearing, hopefully today, to get some base numbers from you. Some realities about the numbers of deserters alleged, and some realities about where we are in terms of Laos and Vietnam. My time is up, let me turn to Senator Smith.

Mr. FORD. Could I just respond briefly? We would be happy to provide you with the numbers as you request. But I also point out—and just don't want to overdo the issue but the fact is that there are a number of cases in which we have very convincing evidence from a forensic examination, dental and various other things, in which the families are unwilling to accept our judgment. And that we have remains back, we have a story, we have an explanation.

It seems to me understandable that there would be many families out there who at some point or another in the last 18 years or 20 years said, I'm not sure that my son died. Even though—and maybe in their head they know what they remember hearing and reading—but in their heart they don't accept it anymore. Now those numbers, as far as we're concerned, we have to deal with. An accounting for those people is just something that we feel obligated.

The CHAIRMAN. Well, that is part of the tragedy of what has happened here, and obviously the review of all 2,273 and the recommunication process is going to be critical to dealing with that. Senator Smith.

Senator SMITH. Thank you, Mr. Chairman. Just one question that I would like each of you to answer, if you could, and you can do it with a yes or no if you like. Have you seen, or do you know of, any information, good information, that would indicate that any American was alive? Any American who may have been a POW was alive after 1973. Mr. Quinn.

Mr. QUINN. I have seen information that there was a man named McKinley Nolan who was alive in North Vietnam.

Senator SMITH. I am not talking about hearsay. I understand that. I mean good solid stuff.

Mr. QUINN. I think this was good solid stuff that he was alive. All the reports indicated that he had in some way—was not a prisoner—that he had somehow had—and I don't want to use the words that might characterize him—but that he was somehow in a different status and was moving about more freely, and had some type of different relationship with the authorities in North Vietnam.

Senator SMITH. And so it is yes in the case of Nolan.

Mr. QUINN. Yes, and there was one other report that was attributed to the mortician, who said that he saw some people with Mr. Garwood. And I think DIA and DOD is better to do that, but that report struck me as indicating—I mean it had a lot of detail and he apparently—the mortician was able to identify Garwood. And so I've seen those two that are reports that really ought to be followed up, and that there were some Americans that there is—that are possibly alive after that time.

Senator SMITH. Nothing else.

Mr. QUINN. I can't think of anything else right now.

Senator SMITH. Carl.

Mr. FORD. I have not seen anything that would convince me that there are not some Americans still alive.

Senator SMITH. Anybody alive after 1973.

Mr. FORD. The reports that I have seen suggest that there were. How many I'm not sure, but I think that the reports suggest that there was one for sure, that the Vietnamese didn't tell us about until much later. That was one, but there are also some reports suggesting that people might have been alive we didn't know about. We didn't know where they were—and probably died afterward.

I think that the evidence is not real compelling, but it certainly causes me to pause. The more important question for me—and I accept the importance of the question in 1973 as an important point of saying well, why did it happen? We have focused most of our efforts on are there any alive today and can we find them? And that as we accumulate evidence and as we go through that process, we are able to begin to piece together a little bit better, what happened back in 1972, or 1973, or 1975. And the evidence, as we accumulate it, more and more suggests that there are probably some left alive in 1973.

Senator SMITH. I am trying to get a quicker answer because I want to ask you a couple other questions.

Mr. FORD. I understand. We're here as long as you want us.

Mr. SHEETZ. As Senator Grassley well knows, DIA did a compilation of reports that were received in the period after Operation Homecoming. It is our assessment at DIA that those reports are not definitive—they are not firm, credible evidence. They were reports—they were evaluated at the time.

And one thing the committee might do is, in its future deliberations or investigative efforts, call in the commander or the then commander of the Joint Casualty Resolution Center, which had the responsibility for checking those kinds of reports on the ground. Warren Gray who was on my staff was part of that JCRC in 1973, 1974 time frame.

Senator SMITH. Excuse me. We cannot go into a lot of detail here, but let me just phrase it this way and just ask for a yes or no. You have seen the information that Mr. Bell provided us. Based on having seen that information, do you agree with him or disagree with him—that based upon the information that he provided, that he discussed—that that would indicate that there was some indication of somebody alive other than Garwood. Somebody alive after 1973, not necessarily alive today. Do you agree that that was evidence, at least, that was presented?

Mr. SHEETZ. DIA has held all along that the report of the mortician that he saw three Caucasians who were identified to him by another person as probably being Americans—that that report stands. That there is validity to that report.

Senator SMITH. I want to ask a couple of quick—and I know my time is almost up. Mr. Sheetz—back on the committee, staff and myself, and I am not sure who else was there—did talk to Mr. Bell as well. And we are also trying to sort that out and I think you gave a pretty good analysis of what happened on your end. Just trying to follow up on a couple of points that he made with us. Did he show you photographs that he alleged, or was led to believe—one or the other—of the alleged facility where Carr may have been held. Did he show you photographs?

Mr. SHEETZ. Yes, he did.

Senator SMITH. And in one of those, without being too particular—in one of those photographs was a building—pretty obviously distinguishable building. Do you know where that building is?

Mr. SHEETZ. I do not.

Senator SMITH. So we do not know where that building is.

Mr. SHEETZ. That's true.

Senator SMITH. Are we making an effort to try to find out where it is?

Mr. SHEETZ. Every effort that I know how to make. And generally, we are employing all of the many and varied assets of the U.S. intelligence community, and when we get into closed session I will be happy to brief you at length on that, sir.

Senator SMITH. Finally, a couple of quick points on Bailey. Was there any prior contact by the U.S. Government with Mario, the source that you interviewed in Bangkok with Bailey? Was there any prior to that meeting—was there any prior contact by the Government with Mario?

Mr. SHEETZ. I have no personal knowledge of that. As I understand his allegation—and he was not specific with me—that this contact involved—possibly involved, U.S. Embassy personnel who are working the POW/MIA issue. I have not spoken to them and, to be honest, I've heard two possible names mentioned. I have no personal knowledge of that.

Senator SMITH. Because he did allege that an individual from the U.S. Embassy, as you stated, paid Mario money.

Mr. SHEETZ. I think Jack told us the sum was $6,000.

Senator SMITH. That is what he told us, but you do not have any knowledge of that?

Mr. SHEETZ. I do not.

Senator SMITH. And you tried to check that out.

Mr. SHEETZ. I have not had the opportunity to speak with the two individuals whose names, I think, may be candidates. I would like an opportunity to get to the bottom of that too. I would be happy to work with you on that.

[The information referred to follows:]

The allegations were investigated and found to be fabrications.

Senator SMITH. Thank you, Mr. Chairman.

The CHAIRMAN. Senator McCain.

Senator MCCAIN. Thank you Mr. Chairman. Mr. Quinn, I hope that if some other allegations arise, or information about the whereabouts of an American POW you will notify the committee. We were not happy to read about the information concerning an American in the Soviet Union in the newspaper.

Mr. QUINN. Well we will certainly keep the committee informed, Senator. But I will point out the day after I testified here, I testified on the House side and was asked a lot of questions about the Soviet Union. And I gave a full briefing of everything that we knew at that time. So there is certainly no hesitancy on our part to withhold any information.

Senator MCCAIN. I was not implying that. Ms. Monika Jensen-Stevenson alleged that the Vietnamese offered 260 prisoners to the Woodcock Commission for a sum of money. I believe you were a translator for the Woodcock Commission. Is that true?

Mr. QUINN. Yes, sir, and I addressed that in my opening remarks, Senator.

Senator MCCAIN. And you have no knowledge of any offer.

Mr. QUINN. Absolutely not.

Senator MCCAIN. You would have had knowledge of such an offer.

Mr. QUINN. Unless this was something that was whispered to one person, and that person didn't share it with anyone else. I would have had knowledge of that. I was in all of the meetings. I heard everything that was said, and I was in all the discussions afterward. I was part of writing, encrypting and transmitting Mr. Woodcock's personal messages to the President of the U.S. And there was absolutely no discussion, at any time, of anything like that.

Senator McCain. Mr. Quinn, do you know—or do any of the witnesses know of any of the liaisons between administration officials and identified members of organized crime?

Mr. Quinn. No, Senator.

Senator McCain. Mr. Ford.

Mr. Ford. Senator, I've heard the allegations but I've not seen any evidence yet.

Senator McCain. Mr. Sheetz.

Mr. Sheetz. No knowledge.

Senator McCain. Mr. Quinn, do you know of any sanctioned rescue missions, or missions by the Department of Defense, after 1973?

Mr. Quinn. No Senator, I don't.

Senator McCain. Mr. Ford.

Mr. Ford. I have been told that there was one mission.

Senator McCain. That there was one mission. Mr. Sheetz.

Mr. Sheetz. The same information that Mr. Ford has.

Mr. Quinn. Senator, if I could—there was a mission that was described to me after the previous hearing which I had never heard of before—which was described as reconnaissance mission but not a rescue mission. I make that differentiation, but I have no information about any rescue attempts.

Senator McCain. Thank you. The trip that Mr. Usry made in August—that was as a result of information provided by Mr. Khambang—is that correct?

Mr. Ford. That is correct.

Senator McCain. And at the time——

Mr. Ford. There may have been others, but that was the major source of information.

Senator McCain. And Mr. Khambang was along on the trip, and he was going to provide additional information to corroborate the fact that Americans were somewhere alive.

Mr. Ford. He was going to bring in the people that had provided him the information.

Senator McCain. And at the time, did you know that Mr. Khambang—according to the assistant Secretary of Defense for National Security Affairs—Mr. Khambang passed bogus dogtag information to his superiors in the Arlington Police Department where he worked as a clerk? And that turned out to be fabricated. In the fall of 1990 passed a roll of film and other information—the purported Borah photograph—you knew all of that when you decided to have that trip proceed.

Mr. Ford. The details had been accumulated and put into that particular document for the record. At the time, I was aware that Khambang had been very much involved, for a number of years, in this, and that we had considered his information to be unhelpful—incorrect.

Senator McCain. Have you or anyone else in your department—the Department of Defense—falsified any photographs?

Mr. Ford. Absolutely not.

Mr. Sheetz. No sir.

Senator McCain. Mr. Sheetz, what was the result of Mr. Gadoury's trip back with the individual to meet the individual in Laos?

Mr. Sheetz. The Laos Government did make Mr. Ahroa available. He was interviewed by Mr. Gadoury from JCRC, and Mr. Eddie Smith from Stony Beach. Once Mr. Ahroa's story was gotten—a written statement was taken.

Senator McCain. Mr. Sheetz, I am talking about the follow-up trip with family members.

Mr. Sheetz. It's happening right now.

Mr. Ford. The details that I have are incomplete, but Mr. Gadoury met up with two of Mr. Borah's sons in Tokyo and they flew to Bangkok. There was some delay in getting the arrangements made for the individual in Laos to be made available. My understanding is that that, in fact, is now in process, and I have not heard what the results of that meeting are.

Senator McCain. You will let us know.

Mr. Quinn. They're going into Laos tonight.

Senator McCain. You will let us know the results. Have you been able to receive any of those affidavits that the judge said proved that the pictures were tampered with?

Mr. Ford. We have not received any, to my knowledge. I am hoping that the committee has and will share it with us.

[The information referred to follows:]

We have determined that the individual in the 1990 photograph is not LT Borah, but a Lao highland tribesman named Ahrao. To assist the family in overcoming their doubts, the Department of Defense facilitated the meeting of the Borah brothers with Mr. Ahrao in Savannakhet, Laos. Mr. Ahrao identified himself in the original widely publicized 1990 photos. He explained the circumstances under which the photos were taken, and he displayed for the two brothers the jacket that he was wearing the day the original 1990 photos were taken. Also present for the meeting was the second individual in the 1990 photo, the individual first identified as "LT Borah's guard." These individuals are obviously the two individuals pictured in the original 1990 photographs purported to depict "Borah and his guard."

We consider the "Borah" photo issue, and the 1990 photos purported to depict Lt Borah, resolved. The case of Lieutenant Borah is, however, an unresolved discrepancy case, and is still under investigation by the Department of Defense.

Senator McCain. I do not think we have. Mr. Quinn, I hope that we will continue to exhaust every effort as far as the Soviet Union is concerned. And perhaps from our embassy level—with particularly KGB and Russian defense personnel, we could ascertain——

Mr. Quinn. We have—the embassy has begun that effort and has had several conversations. But obviously there is more to be done and we would like to have access to those records.

Senator McCain. If I could slightly refine Senator Smith's question, do you believe there were any American prisoners of war alive in Southeast Asia—or do you have any evidence of that, or do have a belief in that—after 1973?

Mr. Quinn. The reports that I saw—McKinley Nolan wasn't being treated as a prisoner of war. The other report, which is the one that Mr. Sheetz also referred to, is that there were two Caucasians who were with Garwood in 1979, who seemed to also be moving about freely. And these people were identified to the mortician by Vietnamese present as being other American pilots. But the mortician himself didn't know whether they were. But I've not seen any reports of people actually being held in captivity.

Mr. FORD. Senator, when you refine it that way, it certainly makes me answer much more guarded and cautious. I would still have to say that the evidence that I have seen suggests that there could be. But I do not have any evidence that there were.

Mr. SHEETZ. I am unaware of any firm credible evidence that Americans were held against their will after Operation Homecoming.

Senator MCCAIN. Thank you. Thank you very much, Mr. Chairman.

The CHAIRMAN. I want to come back to that, but I will wait until my time. Senator Brown?

Senator BROWN. Thank you, Mr. Chairman. Secretary Quinn, can you give us a brief summary of what the State Department has done in follow-up on the wire stories, reports of a POW being in the Soviet Union?

Mr. QUINN. Yes, certainly, Senator. As soon as we saw that, we sent an instruction to our embassy in Moscow to immediately follow up on that. Our embassy has sought the journalist who wrote the story as being the first source of information and has had an interview with that individual.

I don't know if you were here before when I made reference to that. Let me repeat that for you. We have just literally gotten this morning the report of that interview, the journalist was a little difficult to find, in which the journalist said that the story carried by this journal, Kommersant, ran in the Russian-language version and an English-language version and that there were some changes to the story in the two languages.

And that, in the Russian version, which the journalist said is the authoritative one, the paragraphs were ordered differently and the meaning conveyed in the Russian-language version was much less certain that any American continued to reside in that city.

In the Soviet Union, a small town in the Soviet Union, where it was identified that an American was living in the English-language version, it is more certain. The journalist told our embassy representative that the Russian version is what he was conveying, that he was not certain. Nonetheless, we are going to send an officer to this town, if we can.

The reason I say if we can is that one, there is not an airfield there. We will have to fly into an area nearby and find a way to get there. We can do that. But it also is in an area which is a Soviet testing range or testing area and therefore is considered militarily sensitive and so we are not certain that we will be allowed to go.

But of course we area going to do everything and push in every way to get there. Now, we are also following up several other approaches with the Soviet Union. We have had conversations with Soviet officials about access to records, and some of this has to do with POW/MIA's from Korea and World War II, which is not an area of my responsibility.

But you mentioned President Bush raised it with General Secretary Gorbachev. Secretary Baker has raised it twice with the Soviet foreign minister. I have had several conversations with senior Soviet diplomats who lived and worked in Vietnam in the period after the war was over.

In one case, one man was there before the war and after the war. And they said to me in two separate conversations that they had never seen any information coming to the Soviet Embassy, and they were in senior positions, indicating that any American remained alive in Vietnam. And they pointed out that the Soviet Union had a very close relationship with Vietnam and there were Soviets all over Vietnam, workers, technicians, assistants, officials. And they felt with a very high degree of confidence that if there was such an American or Americans being held in captivity, that they would have heard about it, that they would have found out about it.

Now they qualify this always to say, well, there always could be something that we did not see or did not hear about, but they were very certain in their judgments and they passed this to us. They said in the spirit of the new relationship which exists between our two countries.

And they also came in conversations where we discussed other issues that relate to Cambodia and the Cambodian settlement, in which we felt that they were being very forthcoming and providing us assessments and information about the current situation there, which we strong reason to believe were accurate. So I judged, in these conversations, that they were giving me a straight answer. That was my impression.

Senator BROWN. Can you give me an idea of what we have done in the way of requests to the Government of Laos and Cambodia for access and where that stands?

Mr. QUINN. Access to?

Senator BROWN. Access to follow-up on live sighting reports to send personnel in?

Mr. QUINN. Yes, sir. Of course in July, I raised the photo cases and well as the Borah and Carr cases at that time and they have been willing to follow-up on these immediately and unilaterally and then to work with our investigative teams and to take them to meet with individuals who are associated with these live sighting cases in Cambodian.

An investigative team from Stony Beach and Bangkok went into Phnom Penh in July and was taken around and actually met and interviewed people who were associated with the handling of the Robertson/Stevens/Lundy photo.

And you know from Mr. Ford's testimony that we also received access to the individual who was the person who was identified in the photo as Lieutenant Borah. And right now we have a mission that is underway in Laos to go to Xiang Khoang Province to follow-up on the Carr case.

Senator BROWN. What about all the other sightings we have had that are located in Laos? Is that something we have made a request on or where does that stand?

Mr. QUINN. We have a number of the other discrepancy cases in Laos and we have had, in the past year, continued increased access to these. And for the first time, we are in Pua Pang Province which contains the site of where the old Pathet Lao headquarters was. We have never been able to get there before.

We have also had cooperation in expanding the number of investigations that we can do each year. I do not want to leave the impression that I think it is perfect. We would like to be able to go out ourselves and not have to ask anybody and just get in our own helicopter and fly out there and investigate without asking anybody's permission or agreement. That is the ideal. That is what we strive for in Vietnam, Cambodia and Laos. But in the context of continuing——

Senator BROWN. They have turned it down but they have been willing to go with advance notice of where you were going?

Mr. QUINN. What has happened in Laos and Cambodia is when we have particular requests and Vietnam, in the case of the photo case, when we have particular request with information, we are able to get out there, but with them to go and follow it up.

Senator BROWN. I am sorry, I do not mean to be rude, but let me take you back so that I understand. We have asked for, from them, the ability to go through the countryside without a guide and without advance notice and they have turned us down on that request.

Mr. QUINN. I am not sure that we have put the question to the Lao that way, Senator, in those terms, and they have said no, you can not do that, but you can do it this way.

We have, in Vietnam, made the point that we want to have it for our investigators to be able to go out and we have told them that is the ideal. I am not sure that they have said, no, you cannot do that, either.

We have conveyed this. We certainly—I do not think there is any misunderstanding on their part that that is what we would like to do but I do not think it has been done in that we want this and no, you cannot do it. Usually the answer, the Asian style, is never to say no, no, you cannot do that. It is not the way business is done. The way you get the answer back is that you get some other type of increased cooperation.

Let me check, if I could.

Senator BROWN. Would you? I have found over the years that it is difficult to get the answer you want if you do not ask the question.

Mr. FORD. If I might, I think we may not have phrased it exactly as you did, but in Vietnam we have asked to do this and we have been told that we have to submit a request in advance. When we have done that, we have had trouble even getting permission after having requested it. In the case of, obviously what we are concerned about is that if the report we have is of an American in captivity, either by the Government or private sources, that if we tell the Government we want to go and look for somebody in a particular area that it will tip off the people there so that they will move them.

There are other cases in which there are reports of Americans living free and we have been trying to test the system with those cases. But because one, we wanted to test it, and two, we thought it was safer to do it that way, rather than trying to do the cases. Where we have reports of captivity, we have not had much luck.

Now I am concerned and upset about that. I am not particularly surprised. Vietnam is still a Communist country. They do not even let their own people travel freely. And so that what we are asking them is extraordinary. It is an extraordinary situation. And I think that they have indicated to members of this committee and certainly to other people that they are going to, and we just simply think that they ought to let us have the access we need.

Mr. QUINN. I have checked with people who have a better understanding of the full record of our dealings with Laos. And the situation is basically as I said to you, Senator, that we have made the statement that this is what we want. We want unfettered access. They do not say yes, they do not say no. They take note of it and we then get back some other answer and some other, we make some movement.

We have discussed with them the possibility of our own kind of transportation or having U.S. transportation in there, which would be something that if you then had it and you controlled it, you could get out and move. And in both the case of Vietnam and Laos, the indication is that they would be favorable to such an arrangement, but with their pilots, indicating that they want to maintain a degree of control.

Senator BROWN. Thank you.

Senator SMITH. Senator Grassley?

Senator GRASSLEY. Thank you. Secretary Quinn, before I ask a line of questioning, I want to ask, I would like to ask about Bill Bell. I had a conversation through staff with Bangkok, the Bangkok embassy, and I understand that he was given a visa in Bangkok but it was not approved by Hanoi. And I guess I would like to have you tell me, if you can, the status of Bill Bell's return to Hanoi.

Now this is 24 hours ago that I had this information.

Mr. QUINN. Well, I had a call last night at 10 from our DCM in Bangkok, who told me that Bill was scheduled to go back, I guess tomorrow morning, that he had his visa. He has his ticket and that the embassy, which has had conversation with the Vietnamese Embassy about this was told that there was no problem of his going back.

Mr. FORD. The information I have is essentially the same but Senator Grassley, what we had heard earlier and I am sure that what you and your staff have heard earlier, is that a middle-level official whom Bill deals with on a regular basis in their unit, that those POW/MIA's indicated to us that they were not going to let Bill back in or give him a visa until he provided certain information, the transcript of testimony, and then not until Christmas. When our official on the ground heard that he said, what are you talking about, you have got to be crazy. Our representative said, well, we would like this in writing and he said, well, this is unofficial but you should understand this is the case. I know Secretary Quinn and I just about exploded when we heard this. And the fact is that the committee was very much involved and we were waiting to see what would happen.

But it looks like it was not official and that it was some mid-level official who was out of sorts with the testimony or whatever and was trying to take it out on the people there in the office.

Senator GRASSLEY. Well, your response, as you have stated, you were outraged about it, would be very appropriate from my point of view. If you were not outraged, I would expect you to be outraged.

Because this is some bit of evidence of whether or not the Vietnamese evidence is going to fully cooperate with us. And so we want to make sure that there is obviously no retaliation.

Secretary Quinn, when you were questioned by Senator Kerry about divulging classified information on Vietnamese, I am not sure we are all talking about the same document, so I would like to have a clerk give you a couple pages that I have here and have you take a look at that. And I would like to go back to the Secretary's line of questioning, but I would like to start from a different point.

Now this is no effort on my part to just get some basic information. And if you cannot give the information now, if it is just a case of your willingness to provide the information.

On our first day of hearings last week, I asked you the following question and received the following response. And I would read from the transcript of our hearing.

I asked you, we heard this morning that the U.S. and Vietnam have agreed to certain procedures to investigating live sighting reports.

My question to you, does this include our government turning over classified file information on POW's like sources and methods.

Your response, a partial response, certainly not turning over anything about sources and methods. I couldn't imagine a situation in which we would do that.

And then, skipping a sentence, in the case of the Robertson/Stevens/Lundy photo, we did provide information to the Vietnamese Government, the Cambodian Government and the Laotian Government, which we expect them to investigate wherewith and we asked them to provide us answers. But we certainly didn't turn over anything.

In fact, one of the things Colonel Cole and I did and Warren Gray, until about 2 in the morning, was going through this information to make absolutely sure that in no way was there any compromise of where we were getting our information.

Well, 2 days later then we had Debra Robertson Bardsley testify that she had recently returned from Hanoi and was told that she was the first family member to have met with Vietnamese officials. She stated the following. Either during or after her testimony, number one, a Vietnamese official whom she described as a Mr. Dich, and I spelled that D-i-c-h, and whom she said is the head of Vietnam MRA office, gave her a list of sources and a memo describing locations of live sightings pertaining to Colonel Robertson.

Ms. Bardsley says that Mr. Dich expressed a desire to punish the sources on the list. These lists were provided to the Vietnamese by an American official, according to Mr. Dich. There was a corroborating witness with Ms. Bardsley who heard this. Mr. Dich said that the American official who provided this information was Mr. Ken Quinn.

The name of K. Quinn, as you can see, is written at the top of each page and it is in Vietnamese style script, along with a date of July 26, which I believe is when you traveled to Vietnam.

If this is bona fide live sighting intelligence and if Mr. Dich's statement is true regarding how he received this information, then your statement on November 5 would appear to be erroneous. On the other hand, no one has yet made such an allegation and this committee expects to determine the truth in this matter.

But I wanted your response to that, please.

Mr. QUINN. The two documents that you sent down to me are indeed the two pieces of paper which I gave to Vietnamese officials in Hanoi on the 26th of July of this year. These two pieces of paper were prepared by me, Warren Gray and Colonel Cole in Bangkok. They are not documents that exist any place else in the U.S. Government. They are extracts and I went through information with Cambodian officials and with Vietnamese officials about what we knew and where we wanted to go and why and I spoke that information.

Actually, I spoke it in Vietnamese, in Vietnam and then, gave them this as an aid for them to remember because there was a lot of information going no place on either of these documents. And there is a third document which I gave to the Cambodians which is different than this and which I am happy to provide to you.

On no place on here is there any name or person, or method from which we gained information. This is information about people who were in some way involved with the photos that we wanted to investigate. This was all worked on and cleared by the representatives of the Defence Intelligence Agency who were with me and it also was shown to Mr. Bell before we presented it to make sure, triple check, that there was no problem in doing this.

The reason we did this was that we had the photo. The family members said, these are our loved ones. They had a date on it, 1990, and we had other reports suggesting that the reports in this photo could be alive. We wanted to go and see. We wanted to go and try to find them any way that we could. We could not do that alone. We are not able to go into any of these countries and move around alone by ourselves. Therefore, we can only do it with the Government's assistance. Particularly in the case of Vietnam, they did not take these photos seriously at first. They considered it to be some type of propaganda, operation, misinformation, what you will. And so we wanted, and I wanted to convince them that this was serious and so Mr. Gray and Mr. Bell and I sat down with them for 2 hours and walked through what we knew. This is not all that we know about this. When you see the full report you will see that there is a great deal more information, but this is where we told them we want to go.

Here is why we want to go and we want to go there as fast as we possibly can and it is of crucial importance to the United States of America that we get there. I made the judgment that in doing this that we could accomplish that, and in fact we got into the prisons that are in that area and were able to look and see for ourselves. And we also got access to other information about the Robertson case, as a result of that.

In Cambodia we got to go and talk to many but not all of the people on this list. We got to go, Colonel Cole is here, he can tell you that we actually went to the places where Robertson and Stevens and Lundy were supposedly held. This had never happened before. We had never been in the prison before. We had never been in Cambodia before. We never got to go around and actually go to the places where they were being held and so that is why I did that. In retrospect, if it is considered to be a misjudgment, I take the blame for that, not Mr. Gray, or Mr. Cole. I do not consider it was, I consider it a real advance and frankly, the Vietnamese and Cambodians considered us to be acting in a serious way with them, in a cooperative way and that is important because tomorrow we get another report, another photo, that says here is an American who is alive and well so Cambodia or Vietnam are going to face the same question.

How do we get out there and find out for ourselves. We are not at a point where we can go alone. We can only go if they let us go and we want to do that as rapidly as we can. That is not the best situation. That is not the way I would like it to be. That is not the way that we are working to have it be but to get there. It is, unfortunately, a step by step process.

I consider what we have done a big step, but, I am sorry to go on for long, Senator, but I wanted you to understand.

Mr. Ford. Can I add one brief comment to this. I had a brief conversation with, as I recall, at least the representatives, of the Robertson family and the Lundy family during this period when the photographs and identification of that photograph had just been made.

And one of the subjects that we talked about, because they were urging, not only Ken, but me and others, Go out there. Talk to the Chinese. Talk to the Vietnamese. Talk to the Soviets and I had a discussion about the risks involved and did they understand what they were asking us to do. That if, in fact, these governments were holding back, were holding their loved ones, that this was a certain risk that we were going to have to take and that we were trying to do it more indirectly than they were suggesting.

And they said, you understand the quandary we are in and the pressure we are feeling. And they both—or the people there understood, that we would have to be taking some extraordinary steps. And so, that while in the best of all worlds we would have tried to have done it differently, everyone was aware that this was pushing the envelope way far out and we thought there was good cause.

Mr. Quinn. And I did not take the step of going to work with the Vietnamese on this without consulting the families. I spent 2 hours on July 12, with all families assembled and told them that there were these two choices. And they concurred in our going and working with the governments involved. I wanted to be, sure, I did not want them to come back later and say, you have gone out and messed it up. You should not have done it that way.

I wanted it to be a consultative process, and as I mentioned earlier, Senator, all along and afterward I kept Shelby Quast informed of this. I had an hour and 15 minute debrief in my office about the results. I told her—I did not give her the documents, but I told her what had happened and I told her what the Vietnamese had said.

Senator Grassley. Could you comment for me on the point that has been made to us several times about what I would call the mentality that is presented by the Vietnamese that give us a name so we can punish the sources, punish the people. Now you are looking like that has never been expressed to you.

Mr. Quinn. No that was expressed to me.

Senator GRASSLEY. Well, just comment whether or not that is something that is a real fear out there that we have to be overly cautious about, protecting sources.

Mr. QUINN. Obviously, if we have a source who is giving us information the last thing we want to have is the Vietnamese or Cambodians or Laotians or anybody else to know who that is. That has to be protected. I would make the point that these people involved are not sources from whom we got information. They are people who we have information that they would know something about, the photos, or were actually involved in holding the Americans.

Senator GRASSLEY. In this specific case——

The CHAIRMAN. Senator, I need to try to get to Senator Kohl.

Senator GRASSLEY. Well, this is in regard to the same point. The people on this list, you see, Mr. Dich stating to Debra that we want to punish these people. You see the people on the list. That was what was expressed to Debra.

Mr. QUINN. I understand, I mean, the Vietnamese do not accept the photo as legitimate and they have said publicly and privately that they believe that people are doing this to impune them and their reputation on this and to thwart better relationship between our countries or they are doing it as a way of just a scam to make money. And so they are concerned about that. So you have to make some judgments if you want it investigated. You have to give them something so you can go out and investigate it. If we want to talk to the only people would know about this, we have to go through them to get to them.

So, in there, we try to separate out anybody who is a source so that they would not come in for any type of punishment but to name the places or the individuals so that we can go and try to find them——

The CHAIRMAN. Let me just say to the Senator that one of the things the committee is going to gain from our trip in February will be an opportunity to really confront some of those things firsthand and to have a sense of some of the difficulties that are being worked with. I mean we tend to forget that this really is a closed society, a Communist country, and I know you do not forget but the reality is that I think a lot of progress has been made in the last months in overcoming some of those problems.

Mr. QUINN. Could I make one last comment on this and I apologize. I had information in a case we thought the Americans would really be alive. My judgment call along the way was, What is it that is going to get us the maximum ability for our country to find out about these people. That was the bottom line decision making and that was always in my mind. What is it that we should do here on the ground and in an evolving situation that will get us the best chance to find out about this photo and these men in it.

Maybe somebody else would come to a different judgment. This is the judgment that I came to. And we got certain results, which I think were clearly things which we had never had before and access we had never had before and was to me, that is a good result.

The one other factor in this case, the Federal case, to keep in mind is that the photo was publicized. I do not know by whom, here in the U.S., the day after the families gave it to us. Certainly not by us and that which put the case into a very different kind of public perspective. We had already made our decisions. We had already approached the Vietnamese Government on this investigation, but in publicizing it like that, we had not provided any of this information where we thought anybody was or who might be involved, called great attention to it in Vietnam before we ever got there and I think probably, in the end, it was not helpful.

The CHAIRMAN. Senator Kohl, thank you for your patience.

Senator KOHL. Thank you very much, Mr. Chairman.

Gentlemen, I would like to talk just a little about POW's in the Soviet Union, and specifically I would like to talk about a Lt. Robert Reynolds who was shot down while piloting a Navy surveillance plane in the Baltic Sea in 1950. Apparently we were aware that this crew was shot down and that there were some survivors. That and other stories were written up in the Los Angeles Times earlier this year. I wrote a letter to you, Mr. Ford, about this case and you responded very courteously and very promptly and I appreciate that very much.

What you said is that we inquired back in 1950 when it happened and were told that there apparently were not any survivors, but made no further inquiries until 1991. I ask the question: How is it that between 1950 and 1991 we did not go back? The evidence was that there was some indication that some of these people were there and that they were alive. What happens in 41 years that we do not go back and reinquire and ask whether or not there is some information that would be useful.

Mr. FORD. I do not know, Senator. I was not even aware until this particular issue came up that we had made the original inquiry or that there was this person, or there was this information about a person in the Soviet Union. As soon as we knew something about it, we tried to respond to it in various ways in terms of asking and pressing the Soviets for more information and we continue to do that in this case. But why, for 41 years we did not. I think it was simply the people that originally checked it out and were concerned about it did not pass that concern on to others and somehow over the years, we forgot that it even existed.

Senator KOHL. Again I would just make a comment. During this time we inquired about many, many people in the Soviet Union about whom we were concerned: Soviet Jewry, rightfully so, Raoul Wallenberg and many others. Why were we not at the same time asking consistently asking about POW's and missing POW's in the Soviet Union that we did not have any information on or inadequate information on? If your answer is, We did not, and I understand that. But is there some reason? Is there something I am missing here?

Mr. FORD. No, Senator, I think that the organization which has been looking at this issue in the Defense Department, DIA, and in my office and also in Hawaii, we have been focusing on Indochina POW's and it is only in the past year as concerns were expressed, as people's interest on this issue widened.

For example, Senator Smith has been very interested in Korea. We have not really done much on Korea and so that we are widening our scope from my office to these other areas for the first time and in our new organizational structure we are going to have people here for the first time focus on Soviet Cold War POW issues. We are going to have somebody who focuses on Korea and World War II issues, but why was it, why it was not done before I do not know, but we are going to do it now and we have got my office, my office has put out or is in the process of putting contracts to people like Rand to tell us how to do that. How do we go back 41 years and begin the search over again and most of the records either have not been kept or destroyed and a researcher is in fact on his way shortly to the Soviet Union and begin the process of what we might be able to find. So that, it is a small step, but it is at least we have listened and we understand people's concern and we will try as best we can to do something about it.

Senator KOHL. I am very happy to hear that. I was going to ask you if we are now prepared to handle in a systematic, professionalized manner and you are suggesting we are doing that.

Mr. FORD. Yes, sir.

Senator KOHL. I would like to ask again about Lieutenant Reynolds. Could your office help me to get information to his family and to get the release of whatever was formerly classified as top secret or anything like that 41 years ago? Can you see to it that we get all possible information that we have to the family of Lieutenant Reynolds?

Mr. FORD. We will do whatever we can to help them Senator.

Senator KOHL. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Robb.

Senator ROBB. Thank you, Mr. Chairman. I will be very brief. I had to go preside over the Senate the last hour, and I do not want to repeat any of the testimony that these witnesses may have given to the committee. I will review it later on, but I wonder maybe—and I assume you are about to wind up with this panel and go into the next panel.

The CHAIRMAN. Actually, not yet. We are going to have another round.

Senator ROBB. Well, let me just ask a general question. But in light of the information that was being elicited toward the period just before I left, I got the feeling that anyone who has any official responsibility for the handling of any reports or dealings with POW/MIA families is now prepared to give virtually all information—with the exception of those sanitized pieces that might relate to something that could still be regarded as legitimately needing classification—to the families if they request it.

Is that too much of a generalization? Would families of those who have unresolved cases be able to count on virtually all of the information, with the possible exception of very precise information, that might not be available to them at this point?

Mr. FORD. Senator, the current practice—or the practice certainly in the past—has been to provide the families with information that has been correlated specifically with their loved ones—as opposed to all the information that happened in that year, or that area in which their loved one was lost. And so part of that was privacy concerns—of giving information out about other families cases—and partly it was sources and methods.

And I think that over the years, the families have grown dissatisfied with that, and they understand that there is more information there that certainly is not associated directly with their loved one. But they would like to be able to look and see if we missed something. They would like to look back over our shoulder and see if—because they're more personally involved—they would do something a little bit differently than we did.

And, quite frankly, we've got to find a way to satisfy that requirement. And we have got to find a way to give the families more confidence that they're seeing everything that we've got. And if there are some things that are so highly classified and sensitive that we can't show it to them directly—that they can have the committee, or someone with a security clearance—check for them.

And we would like to try to eliminate that as much as possible. We haven't gotten that answer yet, but DIA and DOD and ISA—and we will be working with others. We're going to find in the very short term some sort of an answer for information for the families. We need to do better, and we just simply have to find the answer and do it as quickly as we can.

Senator ROBB. Are you in a position at this time to reassure them in response to any particular question that they might have that either you are giving them all the information you have, or you are giving them all the information sanitized to protect methods and sources, whatever the case may be?

Or there is another body of information that does not relate directly to their particular loved one's case that, for whatever reason, is not available—but so that they have some sense that they are getting as complete an answer and an explanation for why any missing pieces are not provided for them at this time.

Mr. FORD. I can't give you that assurance. That is our goal and objective—that we try to provide them with every piece of information that we can that comes to our attention and that we correlate to their family member. It is then sanitized and provided to the families through their service contacts, the casualty officers. In some cases we have been able to demonstrate that we have done that quite well. In other cases, things have gotten misplaced or weren't done quickly enough.

And some family members are missing bits and pieces. We wanted to go back and make sure that every family has everything they were supposed to have some time in the past—and if they don't have it, get it to them. And second, we want to expand the definition of what family members are allowed to see, so that they have more confidence that they are seeing all of the relevant information. They know we've put this restriction that has to be correlated directly to your family.

That limits, quite frankly, a lot of the information that is available to us—that is not available to families. We've made a judgment that it is not relevant to their case. They would like to test that for themselves and over the years—because of suspicions and reports coming out of Southeast Asia—they don't really believe that we're giving them everything. So we've got to find a way to give them that confidence that we are.

Senator ROBB. But is there not—I mean if there is no rationale for protecting methods or sources—or some other sensitivity or classified reason for prohibiting the release of certain portions of the information. Is there any general reason, other than—I understand the desire not to give everyone increased expectation from the way they would interpret other facts as it might apply to their loved one. But I mean, just simply to make relevant information—tell them we do not think it is relevant for this reason to their loved one, but simply to make it available to them.

If you would make it available to someone who presented an argument that it was relevant to their particular loved one, why will you not give it to some other person who would make a more generic argument about a time, or period, or whatever the case may be?

Mr. FORD. You are right, and what we're trying to look for is a way that gives them some more say in determining what is relevant for their case. And we simply are committed to try to find that. I don't have the exact answer today, but we have already begun to think about it and how we might do it. And I have been trying out ideas on my people, and various others. And hopefully we will have a better way of doing this in the not too distant future.

Senator ROBB. It would seem to me—and this is just straight off the top of my head—it is always dangerous. But a relevant chronology of all of the types of information that are available, that would have some historical purpose, that they could simply go through at length.

Because this is obviously an emotional matter with families and they want to have access to all the information that they think just might be relevant. And I do not see any real harm—other than perhaps their own increased expectations based upon the availability of it—to come from it.

Mr. FORD. Yes, sir.

Senator ROBB. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Robb.

With respect to the Soviet issue, the translation of the text says—what happened to the Americans brought to the USSR is unknown—and it says their total number. Which seems to speak with a kind of definitive notion that people were brought there. Do you agree that seems to assert that, Mr. Quinn?

Mr. QUINN. That would be the way that, I think, a reasonable person would read it.

The CHAIRMAN. Are you satisfied—I do not want to go into the detail, but that is the text and so that is a matter of public record. I do not want to go into any of the confidential aspects of the State Department communications, but are you satisfied that all aspects of that particular case—and the other information—are now being followed up with the Soviets?

Mr. QUINN. I am satisfied that is in process. Certainly, that is not complete and I would think as part of this—just beyond this story is the question of access to files, archives, and records, which could affect a great many other individuals. So this is part of a much larger process which has started, but which still has a considerable ways to go.

The CHAIRMAN. Was any of the information that Colonel Bui Tin gave this committee with respect to this Soviet interrogation a revelation to you?

Mr. QUINN. I have to admit I didn't see all of that part and I'm not familiar.

The CHAIRMAN. He acknowledged there were Soviets—particularly along the Laotian borders and in Laos—where that kind of interrogation might have taken place. And there are indications, obviously from the Soviets, that it did.

Mr. QUINN. I guess I'm not familiar with having seen reports earlier that would confirm for me that it did take place. But I always suspected that Soviets somehow would be getting information.

The CHAIRMAN. Does it not stand to reason? I mean, if the Soviet Union is supporting Vietnam to a significant degree, as it was, and they have personnel in the region. And their number 1 enemy is the U.S. and an American electronic plane goes down and they capture people alive. I would assume we are going to think that they are going to interrogate them.

Mr. QUINN. They are pros. They would be out after that as fast as we would be out after it.

The CHAIRMAN. Let me come back to the numbers again for a minute. The 2,273—did that include Bob Garwood?

Mr. FORD. Mr. Chairman, I don't know for sure. I will have to check and see.

Mr. SHEETZ. He was—at the time he was unaccounted for when he came out. He came off the list.

The CHAIRMAN. So as of—let us go back—as of 1973 the accords are signed, our formal involvement terminates, correct? What was the number of unaccounted for POW/MIA at that time?

Mr. SHEETZ. I will have to provide that for the record. I don't have that figure in front of me today.

[See p. 932 of the appendix.]

The CHAIRMAN. Do you Mr. Ford?

Mr. FORD. No.

The CHAIRMAN. What were the number of people shot down in Laos?

Mr. SHEETZ. I think it is roughly 1,300. I don't have the exact number. That can be provided for the record.

The CHAIRMAN. I thought it was about 500.

Mr. FORD. 526, but when you say shot down, those are all of the ones—the total number of POW/MIA category people. The KIA—we have a body recovered.

Mr. SHEETZ. If I could clarify my number. As I understand it, 1,300 aviators were shot down and roughly 800 were recovered through search and rescue mission efforts, leaving the unresolved number that are on the list of unaccounted for.

The CHAIRMAN. Added to people on the ground.

Mr. SHEETZ. This number includes people on the ground and aviators.

The CHAIRMAN. And does not people on the ground include all clandestine personnel lost?

Mr. SHEETZ. To the best of my knowledge, the numbers we're working with—2,271—would include all personnel lost by all means.

The CHAIRMAN. So all personnel lost during the so-called secret war are included in that number.

Mr. FORD. They are now. That was not the case early on, and the reason was because of the security and the fear that those people might be killed because of the type operations at some point. They were added to the list.

The CHAIRMAN. Do you know when they were added, because it is very important?

Mr. FORD. I would have to get the exact date for you. It was in the late 1970's.

[The information referred to follows:]

The Department of Defense is in the process of conducting research on the question. There were employees of the Department of Defense that were operating in another capacity that were added to the list. (This would involve somewhere between 5 and 10 people.)

The CHAIRMAN. So that really sheds an extraordinary—I mean that is in and of itself a very significant kind of disparity that exists here. That is one of reasons people are saying—wait a minute guys, we are not getting the right numbers. Am I accurate?

Mr. FORD. That is correct. That is why people still believe that there's a secret list and—like many stories—there is some truth to it. There was at one point—as all covert action operators and special forces—they were not initially put on the list. But in fact, they have been now and so all of those people are accounted for, and a number of people have been accounted for in terms of remains.

The CHAIRMAN. That is very significant because, in fact, an EC-47 was shot down after the Paris accord, after Operation Homecoming, is that not correct?

Mr. FORD. I do not know that specifically. I take your word for it.

The CHAIRMAN. What about the Cressman case, Peter Cressman? Are you familiar with the details of the Cressman case?

Mr. FORD. I'm not.

The CHAIRMAN. I mean, did we not have information that personnel were taken alive from the EC-47 that was brought down? And Mr. Trowbridge, you are shaking your head.

Mr. SHEETZ. I have an analyst here—our senior analyst for the whole office.

The CHAIRMAN. Do you want to bring him up to the table?

Mr. SHEETZ. This is Robert De Statte. He was the first person in the Hanoi office.

The CHAIRMAN. Mr. De Statte, would you raise your right hand, please.

[Witness sworn.]

STATEMENT OF ROBERT De STATTE, SENIOR ANALYST, DEFENSE INTELLIGENCE AGENCY

Mr. DE STATTE. My name is Robert De Statte. I'm with DIA, a senior analyst.

The CHAIRMAN. How long have you been with them?

Mr. DE STATTE. I've been with the office since September 1979.

The CHAIRMAN. Can you just help me understand this, because this is one of those cases where a lot of people have questions and it keeps arising as an issue. It is my understanding that an EC-47 was shot down. Evidence was found that five people survived that crash. Is that correct?

Mr. De Statte. The aircraft was shot down, sir, on the 5th of February, 1973. Over the years there has grown the impression that we had evidence that some members of that crew survived. In fact, a careful analysis of the information that led to that impression reveals that the information did not pertain to that crew.

There never has been any evidence that any members of that crew survived. And I have unclassified summaries of the incident that we prepared back in 1987, and which have been released to the House task force. And we also provided that to Senator Smith back in 1989.

The Chairman. We will make those part of the record, and you can just give me the summary quickly, because my time is up. But I actually want to pursue these numbers issues because they really leap out as a major component of people's misunderstanding—or real misunderstandings here.

Carl Ford has stepped out, but I would like to ask that this committee have, by next week if we can, a full listing, chronologically, of all those people, as of Operation Homecoming, that we listed POW, MIA, body unrecovered, and so forth—in the appropriate categories.

A cross accounting of all of those returned during Operation Homecoming measured against that list, and a subsequent addition of any personnel now listed known to be lost and not accounted for in the course of that process. And a separate listing of those people known to have been captured in Laos and whether or not they were accounted for in the repatriation process with Operation Homecoming, and if not, what accounting there is for them.

Mr. Sheetz. We will be pleased to provide that.

[The information referred to follows:]

A total of 16 Americans are known to have been captured in Laos.

Fullname	Loss RK	Service	IDATE	Ctry	Remarks
DeBruin, Eugene H		V	630905	LA	Reported died in captivity
Klusmann, Charles F	03	N	640606	LA	Escaped
Shelton, Charles Ervin	03	F	650429	LA	Reported died in captivity
Hrdlicka, David Louis	03	F	650518	LA	Reported died in captivity
Brace, Ernest C		V	650521	LA	Returned at homecoming
Dengler, Dieter	02	N	660201	LA	Escaped
Stischer, Walter Morris	04	F	680413	LA	Returned at homecoming
Leonard, Edward W	03	F	680531	LA	Returned at homecoming
Long, Stephen G	02	F	690228	LA	Returned at homecoming
Bedinger, Henry James	02	N	691122	LA	Returned at homecoming
Gotner, Nobert A	04	F	710203	LA	Returned at homecoming
Butcher, Jack M	02	F	710324	LA	Returned at homecoming
Mattix, Sam		V	721027	LA	Returned at homecoming
Riess, Charles F	03	F	721224	LA	Returned at homecoming
Kay, Emmet James		V	730507	LA	Released
Dean, Charles		V	740910	LA	Reported died in captivity

The Chairman. That will be very helpful in giving us the baseline to begin to determine what numbers we are dealing with and who is really accounted for or not in that process. Now were codes broken—radio codes—in Laos, between the period of 1969 to 1973, which allowed us to track prisoners in Laos?

Mr. De Statte. Sir, if I could answer that question. I think that topic should not be discussed in open session. And I think it should be more correctly addressed to a different agency.

The Chairman. Is there a security reason why—I mean, we now know we broke the Japanese code in World War II. Is there a problem in saying we know we broke the Laotian code of the Pathet Lao, if we did?

Mr. Sheetz. Sir, that work is all done by another intelligence agency.

The Chairman. I am just asking whether you know—do you know whether it was broken?

Mr. Sheetz. I have no personal knowledge of that.

The Chairman. Do you, Mr. De Statte?

Mr. De Statte. Sir, I have only generalized knowledge, and I wouldn't feel comfortable answering.

The Chairman. I am not putting you on the hot seat. Is it your generalized knowledge we did break some codes, do you know that? Yes or no. And what is the problem here, guys, this was 20-some years ago? Can you articulate it to me?

Mr. Sheetz. You really need to have a spokesman here from the other agency that does that work.

The Chairman. But you guys are the Defense Intelligence Agency—you are analyzing this with respect to this issue.

Mr. Sheetz. And we are given their reports and entrusted to work with their reports under what is called the third agency rule. One agency is not allowed to declassify information from another agency. I mean, it's a law. I'm not allowed to disclose another agency's intelligence. That agency, as you well know sir, very jealously guards their capabilities.

The Chairman. We have met with that other agency and they have told us they are going to provide everything. But I am having—well, okay, look—if that is the rule, and you cannot break the rule, then we are going to have to get somebody who is going to.

I am going to put this committee in the position of asking you to break the rule. So we will deal with the appropriate people to see that you, in the appropriate circumstances, can answer the question. As I know the Secretary said, and I am not going to put you on the spot for that, you have to follow the rules and I understand that.

Mr. De Statte. Sir, if I could just add, speaking on a personal basis on this, I used to do that kind of work, and I had the experience—very early in my career of seeing first hand the expense and the amount of recovering from the compromising of that type of information.

The Chairman. I understand that.

Mr. De Statte. I fear I appeared evasive, and I didn't want to appear so.

The Chairman. I support covert activity. Some people do not like me because I do, and I think we need them. And it is a fact and reality of modern political and modern life. But there is a difference between telling us how we broke the code and whether we did, and there is a difference in just the level of knowledge here. Now you feel that that's a compromise—I am not going to put you on the spot. But I am going to put you on the spot privately and otherwise, and we are going to find out where the reality is of what we did then, and what we knew then. Fair enough.

Senator Smith.

Senator SMITH. Let me just follow up on that just briefly by asking the question this way. Do any of you have any information or knowledge of any American service personnel, whether they be intelligence personnel, military personnel or any other type private citizen personnel, any type of American personnel, lost in Laos after the final shipment of POW's came home in 1973, yes or no?

Mr. FORD. Yes.

Mr. SHEETZ. Yes.

Senator SMITH. So the conclusion—I do not want to put words into your mouth, but we will get into some of this in executive session, but the conclusion therefore is that American military, and if I am wrong, say so, American military personnel were lost in Laos after 1973, after the Paris peace accords were signed and after all of the POW's had come home, correct.

Mr. SHEETZ. My staff reminded me of something I should have remembered myself, that those individuals who were lost after the period that you referenced were civilian employees of the U.S. Government and not uniformed military personnel.

Senator SMITH. Let me ask another question. Did the United States of America or anybody directed by the United States of America, conduct any type of operations in Laos after the last shipment of American prisoners in 1973 came home, any type of operation at all, either directly put on by the United States sponsored by the U.S. or indirectly or any other way? Is there any activity that this country was involved in in any way after 1973 in Laos?

Mr. FORD. I don't know, but we will get that for the record.

[The information referred to follows:]

During a closed session on Monday, 25 November 1991, the subject of operations was discussed at length between members of the Committee and DIA, CIA, and NSA representatives. Since the closed session provided the answer to this question and due to the sensitive nature of this subject, further response is not necessary.

Senator SMITH. I cannot believe that you do not know. Please do not embarrass yourself. You guys are in charge of investigating whether or not there are live Americans in Southeast Asia. Please, yes or no?

Mr. FORD. Senator, the answer, the honest answer is I don't know. I will get you the answer.

Senator SMITH. Do you know, Mr. Quinn?

Mr. QUINN. When I was asked this the other day, I did not—had never heard of any such operation. Mr. Bell then gave his testimony which caused me to ask questions of people who were operating and involved back then who told me that yes, there was.

Senator SMITH. Mr. Sheetz?

Mr. SHEETZ. I don't have personal knowledge. I wouldn't be surprised if such things occurred. I have not been briefed and don't have personal knowledge.

Senator SMITH. So the conclusion, and I am just trying to get stuff for the record, I am not trying to beat on you, but the conclusion here is that the individuals directly responsible for seeking and finding American military personnel in Laos do not know whether or not, except in one case, do not know whether or not there were any military operations or any type of U.S. Government-sponsored operations in Laos after the accords were signed and after the last POW's came home.

And the point is, if we conducted operations in Laos, we can assume you have already stated the personnel were lost, so that first point, we conducted operations, the second point is, personnel were lost. That does not mean anybody is alive but it does mean that you ought to know something about those operations and at least, in two cases, you do not even know whether there were operations.

I want to get into that later. A couple of other questions. Mr. Quinn, I just want to follow up briefly on Senator Grassley's line of questioning and again, this is for clarification only in my mind.

I understand sources and methods. We all do. And I have the list of individuals and I understand your explanation, but it has always bothered me that whether they are called sources or whether they are called information or individuals or secondary sources or whatever they are, that the families who are going over there and looking on their own cannot have the same information.

And I am not going to mention names on the list in public session, but in a couple of occasions, people on the list, one is listed as a General who commands an unidentified prison; another is a General's son who commands an unidentified prison and they name the site of the prison; and another is identified as somebody in the Cambodian Ministry of Foreign Affairs.

I have seen reports that have been gleaned where names of the refugee has been stricken from the report with a conclusion being drawn at the bottom was this guy was a fabricator, but we still keep that individual classified as a source. I do not understand. Please give me an explanation as to why an individual who might be in the Cambodian Ministry, who says he knows something about a photograph, whether that photograph is bogus or not, why is that person less important in terms of protection than a refugee who comes and you have concluded is a fabricator. I do not understand that. Explain that to me, please.

Mr. QUINN. Because the reason the person's name was on here is one, this individual in the Cambodian Ministry of Foreign Affairs nor anybody else on the list, has told us anything. Whereas the refugee who goes into the camp and tells us is the source of our information and therefore we want to protect that person.

The reason we gave these names to the Cambodians is these are the people we wanted to talk to. So to find them, since we couldn't go ourselves, we gave them the names and said, we want to talk to these people.

Senator SMITH. But if, in fact, any of these individuals on this sheet of paper that we have here that was provided by one of the family members, if in fact, any of those individuals deliberately provided bogus information, I could care less what the Vietnamese do to them and the sooner the better. No question about that.

But if they did not and it was accurate and you do not know that, when you provide these names to the Vietnamese, if these people, by any stretch of imagination, any of these individuals here are in fact valid in terms of the information provided and in fact, they did take a photograph, see a photograph, see the individual in the photograph as is alleged, they are dead.

And I do not understand the logic with the way you folks protect stuff and I know how much you protected over the years from me and from others. I do not understand why you feel, I mean, we had testimony this morning from people from CIL–HI, that they contradict a lot of you folks have been saying. They say that we are not, the Vietnamese are absolutely not forthcoming in the information. No way are they forthcoming, as a matter of fact, maybe deliberately providing misleading information in the help of identifying remains.

Yet, when you provide this kind of information to them, I understand your motive for it, I am not questioning that. I understand you are trying to do your job there. But when you provide that information to them, you are kind of assuming, really, in your mind, in your own heart, that it is bogus and we are going to get these guys for doing that.

And you are saying these guys are leveling with me because otherwise you would not provide the source or investigate the source. And these are sources.

The CHAIRMAN. Could I just say one thing. I think in this morning's briefing the assertion was, with respect to the past.

Senator SMITH. That is true. That is true.

The CHAIRMAN. Although, with respect to, but there is an inquiry outstanding in fairness. There is an inquiry outstanding that they still do not get an answer to and we can talk about that privately.

Mr. QUINN. I would like to answer the question. I don't consider these bogus names on the Cambodians at all. They are real and they have the photos and they know something about the photos. And they know where the photos, where they got the photos from and maybe they had a hand in them.

And they, more than anybody else that we know of, could give us the lead.

Senator SMITH. Let me just ask one last question.

Mr. QUINN. If I could finish my point, with all respect. The choice is talk to them or not talk to them. Pursue the only leads that we have to American military men who might be alive in some form of captivity or some state or not to do it.

That's the choice.

Senator SMITH. And if you are dealing with a totally trustworthy, honest government who is sincerely providing information which we have got statements to the contrary, then I can certainly agree with you very much.

And I am not trying to give you a hard time. I am trying to clarify. You mentioned a General and you said, in the information you gave to the Vietnamese, that he commands a prison and you give the site of the prison and you also say that this prison holds, according to the reports, 20 American prisoners and that this photo was taken there.

Now if the Vietnamese are not telling the truth and if the Vietnamese are holding prisoners they are certainly going to have something to say to this General whose name you provided them. Now, I mean, for God's sake, and if he's bogus and he is not providing information, then who cares what happens to him? But you are making that assumption when you provide the information. I think I have made my point.

Mr. QUINN. I would just make the point in return and I take your question in the spirit, Senator, that you have said. Is, that we have to, if we're going to try to get out this, get in touch with, talk to the individuals who are involved. We don't know in the case of the General whether he's a real General or not. The Vietnamese have given us information about how their prison system runs and the rank of people who would be involved in it and the nature of the report would raise questions, I think, in your mind or my mind as to whether this was really a person involved.

But what was important, what was really important, was to get into the prison. If these men are being held in that prison, if the Vietnamese knew in advance, they have the photo, they're not going to leave them there.

Senator SMITH. But you did not get in there.

Mr. QUINN. Yes, we did.

Senator SMITH. They did not allow you to look everywhere in the prison. I know that for a fact.

Mr. QUINN. What is important is to be able to go in and to look and see the descriptions of what's involved, to see if this facility matches up in what it's location was.

Senator SMITH. Did they let you look everywhere in that prison?

Mr. QUINN. I did not go in the prison cells. Bill Bell was the man who went in there himself. But it is important information that we obtained.

The CHAIRMAN. Again, that just underscores the dilemma here. I am sure that nobody is going to be fooled into believing they are going to let you look in a prison where they are holding people and find them.

Mr. QUINN. I think it would be very helpful, Senator, if the committee or members of the committee would give us your best advice as representatives of the American people. What should we do? In that kind of situation, how should we proceed?

We have a name, somebody who has information about, possibly about live Americans. We want to talk to that person. We can't get to him by ourselves by any means that we have. Obviously, if we did have means to get to them by ourself, directly or indirectly, we would do that and we would never provide the name. But when you can't, what should we do?

Should we go to the Vietnamese, the Cambodians and the Laos and say, we want to talk to this person because of that or should we not and do nothing? I think it would be very helpful for us to have your advice.

The CHAIRMAN. Since you are on the lawn, it is fair for us to go out on the lawn. And I will answer that. I think you did the right thing in that situation. And I said that, I said it previously and I do not fault it.

But I think the thing I faulted was the family relationship seemed to be breached and there was a distinction. But I do not, in God's name, know how you can begin to do this process, unless we will trust some people on the ground in Vietnam to build some relationships and make some judgments about those relationships.

And somewhere along the line here, somebody has got to begin to believe that not every American working for the U.S. Government is going to become part of some process to hide Americans in Vietnam. And I am willing to trust that some people are not going to do that, obviously.

I just think somewhere we have got to have a basis of rationality that enters into this and what the committee I hope will do is have the guts to make some choices that are based upon reasonableness and rationality. But again, to do that, we have to have base figures and some basic understanding.

I am a little disappointed that you folks do not have at your fingertips those numbers and the ability to tell me, Senator, here is how many went down. Here is exactly how many were unaccounted for. Here is how many, I mean, this is basic, to be able to put the full story out on this thing. And I just think, look, we are dealing with a different phenomenon than any of us ever wished or thought we might be dealing with.

I think it is 67 percent of all Americans believe that people might be there alive. I mean, you are in a sense, under siege here. And you are going to have to come back with the Desert Storm mentality on this one in order to deal with that. And I think you are beginning to see that and recognize that, that this is not, as I said at the outset of the hearing, something that anyone of us wished upon anyone of us, or this committee or the U.S. Senate.

But it exists because it has this tenacious life of it's own. And the only way this committee can avoid becoming tarred by this process is to guarantee that we are opening it up and I think you sense that is what we are trying to do. But my advice to you is that you have got to go at it to a degree but do a better job of bringing people into the process and letting them know they are part of it. I do not know what else you could have done, Ken, and I think you have to do that.

I may have spoken out of turn and alone on that.

Where are we here? Senator McCain?

Senator McCAIN. Thank you, Mr. Chairman and Mr. Quinn. Will you make the details of the road map public, so the families can know it?

Mr. QUINN. We have treated the road map as a confidential document because it is a negotiating document with the Vietnamese and we wanted them to know it was a serious document.

And so, as a result, we have brief extensively on it to the public and to the Congress. We have not made any decision to declassify it.

Senator McCAIN. I would appreciate it if you would, particularly since the Vietnamese have given it to everybody. It is not exactly a secret anymore. We would appreciate that, if you would give that serious consideration.

[The information referred to follows:]

U.S. DEPARTMENT OF STATE,
WASHINGTON, DC 20520,
December 10, 1991.

DEAR SENATOR KERRY: During Deputy Assistant Secretary Kenneth Quinn's November 15 appearance before the Senate Select Committee on POW/MIA Affairs, he took questions and promised responses on whether the Department would declassify the "roadmap" with Vietnam and on whether French POW's were held in Vietnam after 1954. I am pleased to provide you with the Department's responses.

We recognize the Committee's need to understand clearly the role the POW/MIA issue plays in the process of normalization with Vietnam. As a result, we have decided to provide the Committee with a copy of the roadmap. That copy is enclosed with this letter. Because it is an essential element of our diplomatic exchange with Vietnam, we have decided that it should remain classified. We believe keeping the roadmap classified will increase the likelihood that the Vietnamese will treat it as a serious expression of the U.S. Government's views, particularly with regard to the need for progress on the POW/MIA issue.

We would appreciate it if the Committee would treat the roadmap as a classified document. I hope access to the roadnap will assist the Committee in its study of the POW/MIA issue and its role in our relations with Vietnam.

As for the French experience in Vietnam, the French Government informs us that the Vietnamese repatriated all French POW's prior to the end of 1954. No French POW's remained in Vietnam against their will, though some stayed behind voluntarily and returned to France sometime later. Some 6,900 soldiers from the French Expeditionary Corps, including 2,200 ethnic French, were unaccounted for in 1954, but the French say these men were lost under uncertain conditions and, in most cases, were thought to be dead. They were not prisoners. The French have told us that the Vietnamese have cooperated in the repatriation of remains of French soldiers.

Please let me know if I can be of further assistance.

Sincerely,

JANET G. MULLINS,
Assistant Secretary Legislative Affairs.

[See p. 1 of the appendix.]

Mr. Ford, are you familiar with a procedure called computer superimposition?

Mr. FORD. I have to admit, again, I'm not.

Senator MCCAIN. Employed by Mr. Michael Charney, a forensic anthropologist at Colorado State University, are you familiar with that?

Mr. FORD. One, I'm not a forensic expert. That term is never, if I heard it at one point, I've forgotten it. I do know a little bit about Dr. Charney's work and what the FBI and what Sandia and Los Alamos think about it.

Senator MCCAIN. What is that?

Mr. FORD. They don't think it is scientific and they have disagreed with every—every time we send them one of Dr. Charney's reports, they say they don't think it is very professional or scientifically done.

It certainly would not be used, for example, the FBI report. as evidence in a trial. It would just be thrown out as insufficient evidence.

Senator MCCAIN. Would you provide in writing for the record some of those responses and views about Dr. Charney's work. Because we are presented with that as evidence that is rather compelling and I think it is important to clear that up.

[See pps. 475–498 of the appendix.]

Mr. Sheetz, did you want to comment?

Mr. SHEETZ. Senator, I might add, some of the American public might not know that Dr. Charney had a photograph of the photo that was alleged to be Daniel Borah before such time as the U.S. Government was able to identify the individual as the 77-year-old Lao ethnic hill tribesmen. And Dr. Charney performed his analysis and in the report it says, absolutely, positively, this is Daniel Borah.

And within a matter of weeks, we found the individual.

Senator McCain. Dr. Charney did state that according to using his procedure that that was, indeed, Captain Borah?

Mr. Sheetz. Yes. And we can provide that to the record for you.

Senator McCain. Thank you very much.

Mr. Ford, did the Department of Defense destroy any of the fingerprint files of the 271 missing Americans?

Mr. Ford. Not to my knowledge, Senator.

Senator McCain. Would you please research that and give us a more complete answer? There are allegations, as you know, that fingerprints have been destroyed by the Department of Defense. The response we have gotten from the Department of Defense is that that was done by the FBI. I would like an unequivocal statement about that, if you would, please.

Mr. Ford. Yes, sir. Senator, you're referring to the letter from the FBI suggesting that they were the ones responsible for the fingerprints.

Senator McCain. Yes.

Mr. Ford. If you're talking about malicious destruction, the answer is no. Since we're not responsible for fingerprints, what people did with them—officially, I think the answer is still no. But we'll double-check.

Senator McCain. I would like you to double-check, and even if it was not malicious, we should know because there is suspicion out there that needs to be resolved. Finally—because we have run way over time, Mr. Chairman, I not want to take up too much more time—is it true, Mr. Quinn, that the French Government has maintained that the Vietnamese repatriated French prisoners from the first Indochina war, as they agreed to? Do you know the answer to that?

Mr. Quinn. I don't know the answer to that.

Senator McCain. Would you have the State Department provide that for the record? As you know, there are significant allegations—in fact, most of us believe it is true—that the Vietnamese held back French prisoners of war after the Indochina war, and the counter idea, or statement by the French Government is that those that were left behind, such as those observed by Ms. Monika Stevens' husband, were those who voluntarily stayed behind and did not wish to return. I think it is a kind of an important point in the historical context, if you would provide us a response.

Mr. Quinn. Certainly.

[See letter on p. 669.]

Senator McCain. I thank you very much, Mr. Chairman.

The Chairman. I think that is a very good request, Senator.

Senator Reid.

Senator Reid. I apologize for not being here for most of the morning, Mr. Chairman, but I have been involved in a supplemental appropriation markup and also the Holloway conference which has been time consuming. I do have just a few questions, though.

One of the questions I have developed, in reviewing this material is, why have we not had, for lack of a better word, assets on the ground—people on the ground, spies, whatever we want to call them, wandering around trying to get information. It seems like everything we are doing is, here we come, if you have anybody in prison, show us the prison. Do you understand what I am saying?

Mr. FORD. Yes, sir. But that, quite obviously, any discussion of spies and espionage ought to be done in closed session.

Senator REID. OK. That will be fine. Mr. Chairman, I would like either the staff, when he has gone—I will just tell you myself. I would like next week, someone to come by that knows what has or has not gone on, and I assume that it could be either, and give that to me sometime at my office.

Mr. FORD. I would be happy to do that.

Senator REID. I look forward to that. What would it take, Mr. Quinn, to declassify the so-called road map? Would it take an act of Congress, would it take a Presidential order? What does it take?

Mr. QUINN. I will put this to people who are my superiors at the State Department and it would be their decision.

Senator REID. Their other classified things, how do we unclassify them or declassify them?

Mr. QUINN. The person who classified them in the beginning would make a judgment that the material is—no longer needs to be classified.

Senator REID. Who classified the road map?

Mr. QUINN. The senior most person who worked on it in the State Department at that time was Under Secretary Kimmitt. So he would probably be——

Senator REID. Kimmitt and/or his—is he still there?

Mr. QUINN. He's not. No.

Senator REID. So Kimmitt's replacement could declassify it?

Mr. QUINN. I presume so. I assume there will be a discussion with the Deputy Secretary and the Secretary about that.

Senator REID. That is why it is tough to declassify things. You never know where to go to declassify them. Right?

Mr. QUINN. Well, normally, the documents have an originator, who will be the person responsible for that.

Senator REID. I guess, Mr. Quinn, my question is as Senator McCain—and I think he speaks for the committee—we would like to have that road map be declassified, because everybody knows about it anyway, and there are people who thing we are holding it back because there is some secret, conniving, deceitful stuff in the road map, there is not. At least that is my understanding.

So the question that I have and Senator McCain has—we want to get it declassified—how long is it going to take, what does it take?

Mr. QUINN. As soon as I go back, I will raise this issue to my superiors.

Senator REID. When can we expect to hear back from you on that issue alone?

Mr. QUINN. I would hope in a couple of days.

Senator REID. And that is whether or not it is going to be declassified, and if it is not, what would it take to declassify it?

Mr. QUINN. Right.

The CHAIRMAN. Senator, just in answer to your other request on the DIA briefing, we have a briefing set up for next Wednesday, at 2:30, which will be a closed session, secret briefing from CIA. Mr. Gates will be there and other relevant people.

Senator REID. We will cover this issue.

The CHAIRMAN. We will also have NSA and DIA, and we will cover the—at least begin to cover the surface.

Senator REID. I have no further questions. Thank you.

The CHAIRMAN. Thank you. Before we move to the next panel—and gentlemen, I would like to ask you—this stuff kind of percolates out there and so, rather than let it percolate too much longer, what I want to do is have you remain here while Mr. Usry reports back to the committee, and if there are glaring inconsistencies or problems that you see right away, as they come up we are going to deal with them right away, so we can kind of sift through everything.

A couple of quick housekeeping issues here. On the declassification of records in the POW/MIA cases, in the past you have said you do not want to declassify a lot of those, based on the need to protect the families. Clearly, a lot of the families do not feel they are being protected by it and they want it. Is that changed now or changing? What will happen in the next few days with respect to their requests and to declassification of those records?

Mr. FORD. Senator, to the best of our knowledge, and where we find it's not the case, we change it, we believe that the families have been provided every bit of information that we have in our files that has been sanitized, that pertain to their particular family member.

There is considerably more information available that is not correlated with their particular cases. It may have been 5 years before, 6 months afterward, whatever, but because it doesn't mention their loved one, it's not been provided to them in the past. We are trying to work out a system that gives the families more confidence they are seeing all the information that's relevant to them.

We do not have the details worked out. We are going to try to do that as soon as possible. I would suggest to you that we are thinking more in terms, at least at this point, in terms of keeping things classified, but with greater access than declassifying and providing it in unclassified form. We think that it probably answers their questions about confidence if they see the real material. We've just got to work out the details. Mr. Gates will be here.

The CHAIRMAN. What would you anticipate as a schedule for that?

Mr. FORD. The only schedule that I can give you—and it's not very good—is as soon as possible.

The CHAIRMAN. Will you keep the committee apprised of that effort, No. 1, and No. 2——

Mr. FORD. And before we make a decision, also I will be consulting with you, members of this committee to get your thoughts about it. If we're going to do something, let's do it that everybody, the families, the committee, the intelligence community, everybody feels comfortable with what we're going to do, and so we will not do anything precipitously that you don't know about.

The CHAIRMAN. Now, if, as we proceed along here—as I think you have heard, a number of the committee members say in private meetings with you and publicly, that there is a feeling by the committee that a large amount of this information needs to be made public in order to deal with the questions people have and the doubts they have.

What would be the process, specifically, should the committee feel that there is information that must be made public, because we think it answers certain questions and the committee, as a whole, makes a judgment that we do not view something in there as compromising an interest? Who would we put that to and who will make the decision?

Mr. FORD. I'll have to find out for sure. I mean, the place to start would be to notify me, and then I would find whether it's Duane Andrews, who is the Assistant Secretary over at C3I or whether it's Mr. Gates, or whether it's NSA's director. Ultimately, the DCI is the one responsible for this material, and responsible to the President for its protection, and so that in many cases, we at Defense can't just simply, on our own accord, do that. And so, that—this is going to require discussions among the intelligence community and with us involved in POW/MIA.

I am confident that there is an awareness on the part of all officials that this is an issue that you're very concerned about and that we need to find some answers that resolve the families' concerns and your questions. We hope still that we can do that and, at the same time of course, protect sources and methods.

Our ability to continue to collect information for the families and for other intelligence projects require us to try to keep our sources and methods protected. We've used that more time than I would like to admit as an excuse, rather than as the real answer and I'm just simply telling you that we're going to—that's over. We're going to find a way to do this.

The CHAIRMAN. I understand that. I appreciate that and I take that at face value. Let me make a formal request though, on behalf of the committee, that you could let us know, perhaps next week, if there is going to be the interagency review. Whatever is going to happen here, can we have a very specific statement to the committee of who will be part of that, and what we can anticipate as a protocol between us for that to happen, because we do not want to get trapped into where you have got to talk to them. Oh, well, it is fine by us. You have got to go back to them.

I think everyone on this committee has been through that before and the committee does not have time to do it and the process will not sustain that kind of process. So if you could tell us, Senator, if you have a request for declassification, it must come to me and I will process it through four or five people, and it will be returned to you and we know what is happening.

Mr. FORD. Yes, sir.

The CHAIRMAN. I think that will be helpful.

Senator MCCAIN. Mr. Chairman, could I just mention again in passing, if the DOD authorization bill is signed by the President, most of those impediments will be removed, because of the amendment concerning the requirement to declassify all possible information.

The CHAIRMAN. I am sure he will sign it. The new position of Deputy Assistant Secretary for POW/MIA Affairs was first announced in July or August. It is now November, and we do not have one. This issue is a high priority. When will we have one?

Mr. FORD. The names of people that are being considered, are being checked and people are commenting on them. A decision is expected soon. We have not waited for him or her. We have, in fact, begun the job of staffing that organization with the people that are also supporting me in our efforts in Southeast Asia and with this committee, in terms of requesting the personnel, getting people office space, office equipment. So it's not a matter of—four people are already assigned to the office. It's just a matter of getting all of that finalized. I wish—by the way, Senator, I wish it had been last week, or the week before. And I say that from the bottom of my heart.

The CHAIRMAN. Have you made the determination with respect to the person alleged to be Mr. Stevens, in the two different photos of him at different times?

Mr. FORD. Do we have a definitive answer?

The CHAIRMAN. As to whether or not those two photos are alleged to be Mr. Stevens. Correct?

Mr. FORD. That's correct.

The CHAIRMAN. Are those photos the same person?

Mr. FORD. I'll let Bob speak for himself. But my indication—the information I've received suggests that they are not the same person, other than the family's identification of them.

Mr. SHEETZ. And Mrs. Fleckenstein, Larry Stevens' mother, says that both are pictures of her son. Our experts that we've had look at it are unable to say conclusively whether it is or whether it isn't. The investigation continues nonetheless, as it has ever since the original photo was identified by the family members and the new photo came forward this summer. The investigation is continuing.

The CHAIRMAN. Let me just say to Mr. De Statte also, we did not take in the full evidence with respect to EC–47 and we want to do that, and the record will reflect the summary that you have. But in addition to that, I would like to be able to just follow up on that so that is part of the record. We do not need to deal in that now completely. But we do need to go back to that particular area.

With respect to the Soviet issue, does DIA routinely debrief Soviet defectors, to ask them about the possible presence of American POW's?

Mr. SHEETZ. I can't honestly answer that question. I've not been personally involved in debriefs of Soviet emigres.

The CHAIRMAN. This is not a matter of the protocol of the office, I mean, you do not do this automatically?

Mr. SHEETZ. We have not.

The CHAIRMAN. Is there any reason you have not? Do you take the Soviet issues seriously?

Mr. SHEETZ. I do.

Mr. FORD. To be fair, Senator, Mr. Sheetz's office is focused on Indochina and not the Soviet Union.

The CHAIRMAN. Well, what about the allegations that people went from Indochina to the Soviet Union? Is that not being treated under the POW/MIA category?

Mr. FORD. Yes.

Mr. SHEETZ. And, indeed, we have done quite a bit of work with other intelligence agencies that have information on that topic. That might be another topic that we can get into at next Wednesday's session at 2:30.

The Chairman. We would appreciate it. I hope you will be prepared to bring us up to speed on that. That would be very helpful.

Mr. Sheetz. Yes, sir.

The Chairman. This will be my last question. The then and now issue. We have a huge apparatus operating now on the POW/MIA issue. We have a lot of intelligence assets devoted to it. We have personnel devoted to it. The Secretary of Defense has personally interceded to fly people over to try to bring somebody back and so on. Bob Garwood did show up, after the fact and so, I guess, the question really is—and it is on a lot of people's minds—to what degree do you now state that the Defense Department's policy of 1973 was either in error, or a misstatement of one kind or another, that everybody was dead and they are all home?

I mean, if that policy were accurate, then why are we doing what we are doing today? It seems to me you cannot have it both ways. Either we say the likelihood is not only good, but it is real that we left some people behind and that is why we are doing it today, or this is a charade. It is one or the other.

Mr. Ford. Mr. Chairman, I think that the history of this issue suggests that in the late 1970's, early 1980's, there was a clear—even then, there had begun to—evidence appear, that we had not, in hindsight, done all the things that we probably should have done at the time. And there was a new focus put on POW/MIA in the early 1980's. That the basic assumption of it was that there were, in fact, people alive in 1973, after Homecoming. And that——

The Chairman. What do you base that less than doing all we should have on? Was that exclusively America's desire to put it behind us, or was there more to it than that?

Mr. Ford. Now, that part of it I, personally, have not looked at. And the fact is that that is very important and relevant for this committee to look into. It is obviously a very historical interest.

The fact is that our efforts today are focused on are there still any alive Americans? And as I said earlier, as we go through the countryside—remember, we did not have much access to Indochina, directly, really prior to 1987. There were bits and—there were times when we had a little bit. But sustained since 1987 we have had considerably more access than we had before, both in Vietnam, and also to Laos, and now, more recently, Cambodia. As we have been able to get more information, talk to more people, begin to put the pieces of the puzzle together with 20/20 hindsight, each time, each year, more information becomes available it looks like there was, in fact—the evidence suggests that there were people, probably alive in 1973.

And it is certainly whether or not there were or not, we have, since the early 1980's, operated under the assumption that there were. And that since we cannot know for sure—although the evidence may lean one way or another—we operate that there could be Americans there. And if that is the case, they were left after 1973. And we are going to continue to do everything we can to find if that is the case.

In fact, for most of us, of course we hope it is—despite all the hardships that they may have—lived through.

The Chairman. Now if that is true—and I accept—I mean we are all operating under that presumption—should not the Secretary of State or somebody be sitting down with the Laotian Government and saying hey, folks, you know, give us an opportunity to fly over—to have a—I mean join us in this—they want something for it. Is there not a capacity here to put some kind of a negotiation on a higher level, and a more urgent basis that resolves this for America?

Mr. QUINN. The Secretary of State has done just that, Senator. In my testimony on the first day of hearings, I tried to go through and list all of the meetings that he has had with the Vietnamese Foreign Minister, with the Laotian Foreign Minister.

The CHAIRMAN. Well, particularly with Laos is what I am saying. Because Laos seems to be the bigger question in many people's minds.

Mr. QUINN. The other side of that is that we are still viewed with very considerable suspicion by the governments in Laos and Vietnam. And particularly what has happened to Communist states in Eastern Europe, and, indeed, in the Soviet Union itself, is attributed by some of the leadership of those countries to actions by the United States of America—I mean that we somehow caused that to happen.

And so we find when we push for more access and to do those kinds of things—to fly around and fly over—a hesitation which I believe comes from many of the security agencies—this is my personal assessment—from the security agencies in those two countries, who would see, taking steps like that as being very dangerous for the survival of their party and control of the country.

The CHAIRMAN. I appreciate that. I just wanted to lay it out for you, to give you a chance to answer what everybody asks as a question here. And we are obviously going to try to sort out that earlier part, and emphasize again there is a then and there is a now. And we are going to try to make judgments about both pieces of it, to the degree that we can.

Senator Smith, do you have anything else?

Senator SMITH. I think the conclusion that we all have to draw here, excepting your willingness, and I believe you to work with the committee to try to provide answers. As we move along, we also have to, I think, to do that. And picking up on what Senator Kerry said, if, in fact, statements were made by then-Government officials in 1973 that in some cases some people who were around then are still here. So there is some continuity still working the issue.

But if Government officials said that in 1973 that everybody is dead, and then we are now taking the position that we are not making that assumption. We are assuming some may be alive. Or, we are operating under that impression. Then I think all of you have to recognize in your position that there may be some who have a great deal at stake.

And I am not saying that people are alive today or not. But I am saying that they would have a great deal at stake, or a great amount of embarrassment to suffer if, in fact, they were wrong in 1973.

We already know they were wrong, because Garwood came out. But if we have to prove it again and again by having more people, at least, whether they are discovered dead or alive after 1973, there would be some type of embarrassment obviously, to say the least.

And I think you should all keep that in mind as we proceed through this. And let me just, again, to tell you how I experienced it first-hand when I went to North Korea last summer. The first American of Senator or higher rank to set forth in North Korea, to the best of my knowledge. Government official, Mr. Kong, said to me, where have you been for the past 41 years? We have information on your missing.

He then turned over 11 sets of remains, and gave us—as I have already briefed both State and the Defense Department—he gave us substantial other information which you are moving on, and you are. And I give you credit for that.

But I think it is very important that we understand. And I think the question that Senator Kohl asked regarding the pilot, I think it is important to look back. I think we are going to have to do that. And the committee is going to have to do it. And I think you are going to have to do it. And I realize it is a big task. But I think that is going to have to be done.

Just a quick question, and it is meant only in terms of trying to show some spirit of cooperation—one of the things that Colonel Peck said, and again, it kind of refers to what you said, Mr. Quinn—he said one of his points was that we were divulging sources to the Vietnamese.

Is it not reasonable to assume that based upon the kind of answers and information that Mr. Grassley gave, and that I also asked you about, is it not reasonable to assume that reasonable people could conclude that that was, perhaps—that they were perhaps sources, even though under the definition as you have explained it, and I understand what you said, that they would not be sources under your definition?

But is it not reasonable to assume that that conclusion could be drawn by reasonable people; that that difference could be seen?

Mr. Quinn. I do not know what other information Mike Peck, or Colonel Peck could have been referring to. He, of course, had left the job by the time——

Senator Smith. He simply said sources were provided to the Vietnamese.

Mr. Ford. If he did that, it was his responsibility. If source information was released to the Vietnamese today, this man right here, at least in a management sense, would be responsible for it. And he holds Colonel Peck's job. So that if Colonel Peck says sources and information were passed, he was our expert on deciding to make sure that did not happen.

Senator Smith. Well, Mr. Quinn testified he did that on his own and accepted responsibility for it. So I do not think you can blame Colonel Peck for that.

Mr. Ford. That was after Colonel Peck left.

Mr. Quinn. Just real quickly, if I could say, I did not give one word of information to the Vietnamese that the Defense Intelligence Agency people said I should not. Every word that was given to them was cleared with the DIA.

Senator Smith. I understand that. You made that clear, and I agree with you.

I have two, quick points. I want to touch on the fingerprints, but I just want to ask Carl Ford one question.

You said on September 3, that no information from U.S. intelligence sources indicates that a movement of POW's from Vietnam to the U.S.S.R. occurred. Subsequent to that date, there have been a number of dramatic revelations, I guess, if you will. Whether it is true or not, we still have to determine.

But Terry Minarcin said a former national security analyst is being—is saying that he—that they tracked 22 Americans taken from Hanoi to the Soviet Union between December 1977 and January 1978; Jerry Mooney has made similar statements; the Soviet POW story in the Washington Post this week; the L.A. Times story about the KGB connection; comments from former KGB; and the fact from Bui Tin that Russians did interrogate.

So are you moving toward taking another look there?

Mr. FORD. We already are, Senator. We are taking a look, in fact. I tell my colleagues, this is one that is very personally important to me. My wife has recently read the Charm School and she does not even believe me anymore when she asks me about this. And so this is one that we definitely are following up—every particular lead that we get.

At the time I made that statement, that was my belief—that there was no information that demonstrated that to be the case.

Senator SMITH. A final point on that, and my final question of the afternoon to this panel is the issue of fingerprints.

You entered into the record a letter that came to Congressman Solarz from Bill Sessions of the FBI. And I have read that. And you offered it as a kind of an explanation of what happens in fingerprints. And I asked some questions at the last hearing about fingerprints.

It would seem to me that if we have 2,200 roughly, missing people, some are listed as KIA/Body not returned; some are POW's—there is only one, actual POW, but they are missing. And we are operating under the assumption that they may be alive, some of them may be alive.

Why would it be a policy—and I know this happened before your watch, but I am asking—and you did not do it, and I want to make that very clear, you did not do this—why would it be the policy of any of your predecessors to turn over fingerprints to the FBI for the purpose of keeping them 7 years and then destroying them on people that are missing? I mean what is the rationale for that?

Mr. FORD. There is no credible explanation, other than human error.

It was done—some of this was that we probably never did have all of the fingerprints simply because, as has been explained to me, some of them were not good enough. And when they were not good enough, they were not entered into the computer.

There are other cases that they may have made mistakes because they were KIA/Body not recovered. They may have said well, we do not need them anymore. I cannot, as far as I am concerned, every way I have looked in this I cannot find an explanation of why anybody would ever even think about destroying these fingerprints.

Senator SMITH. And again, I know you did not do it. And I want to make it very clear, and I want to talk—and I plan to talk to the FBI about this as well. And I will be very brief here, Mr. Chairman.

In the letter from Bill Sessions, he indicated that the 2,483 names furnished to the FBI by DOD in 1984—and they were identified to DOD as being—by DOD as Americans unaccounted for in Southeast Asia.

Those records were provided in 1984. Assuming they did not break the law and stuck with—the FBI, that is—and stuck with the law of destroying those fingerprints in 7 years, that means that those fingerprints were destroyed in 1991—which is as the height of all of the controversy on photographs and people. And I guess I would ask if you know whether or not the FBI did, in fact, destroy those 1984 files. If you do not, fine. We will take it up with the FBI. That is——

Mr. FORD. I do not know exactly, Senator. We will ask the FBI. But my staff points out that last year over 700,000 fingerprints last year were rejected by the FBI, that they were not legible.

Senator SMITH. That point is so interesting, and again, it has to be taken up by the FBI. But they are sending the fingerprints back to you because they are illegible fingerprints that they plan to destroy in 7 years. So they are not legible enough to destroy.

Mr. FORD. My understanding is that these should not have been destroyed after 100 years. I mean the fact is that these were people that were clearly unaccounted for, and would be in a crucial part of the identification process. If they were destroyed, it seems, my guess—not knowing all the details—that there were a number of these, unfortunately, fingerprint cards that were not legible. And they did not get entered into the computer.

Senator SMITH. A final point, I guess I just do not understand whoever made that decision in 1984.

Mr. FORD. We would like to find it, whether it is in Defense or wherever, we would like to find that, too.

Senator SMITH. As I understand it, what happened—I mean what would have happened—what would have had to have happened is that somebody would go through, assuming these files were all sent over there, 2,100-and-some files, personnel files, and literally, leaving everything else out, just pick up the files and saying look. Where are the fingerprints? Let us see. And then taking them out, taking the fingerprints out and destroying them, or at least identifying them to be destroyed 7 years hence.

It just seems to me a bizarre thing. I mean to me, a fingerprint is just as important as some other data that may be in the file.

Mr. FORD. Even more important.

Senator SMITH. Exactly. So I will take this up with the FBI. And I appreciate your candor on it. I just do not understand the rationale. But I assume it is not being done now, correct? We are not sending them any fingerprints to the FBI? Well, we have already done it, so you do not have any more.

The CHAIRMAN. Thank you, Senator.

As sometimes trivial as some of the areas may seem to some, they are the stuff that has given credence to people's sense of either wrongdoing, or conspiracy, or confidence, or whatever it is people may feel about this.

And again, I think if the committee is going to be true to its charter to try to leave no stone unturned, we are going to spend the time to go through that, and ultimately, hopefully, be able to just show what is appropriately debunkable, and what is human error, and what is not. And those are the judgments we are going to have to try to make.

My final comment as we break with this panel is a reiteration of what I said previously. I know it is unpleasant. I know that all of you and the people that work with you sit here and say this is, you know, kind of crazy to be going through this 20 years later, and to have to make your credibility a certainty to people.

But I want you to know that I think it is important. We all understand why we are here. And I think the process will be strengthened by virtue of it.

So as uncomfortable as it may be, I think it will ultimately contribute to people's faith, hopefully, depending on the job we do, and the judgments that we make, that we have put this thing back on the level that it ought to be.

So I appreciate it. And I want to thank you for that. I do ask you to stay, because we have allegations and perceptions that are going to be forthcoming. And we want you to be able to respond to those. And I think it is very important to the committee to try to sort that out also. So if you would—could we call Mr. Usry back? Tracy Usry, and if you gentlemen could just stay, because if we come to the point here we would like to ask some questions, we would like to be able to.

The reporter has been going for hours. I have almost—and we have gotten so carried away with this we have not even broken for lunch, and we have barely even had a moment for people to have a personal moment. So why do we not take a 5-minute recess here while the reporter changes tapes and people have a chance to take a breather.

We will stand in recess for 5 minutes.

[Whereupon the committee recessed for 5 minutes.]

The CHAIRMAN. The hearing will come to order. Will you raise your right hand?

[Witness sworn.]

The CHAIRMAN. Mr. Usry, welcome back. We are glad to have you back and appreciate your responding to the committee's request and Senator McCain's request for additional detail.

I must say I do wish on the committee's behalf that we had had your statement before 10 this morning so that we could have perused it a little more. Obviously, each of us has been here at the podium the whole time, so none of us will have read it and had a chance to really go through it.

Notwithstanding that, we will try to do the best we can, and I have asked—I do not see them here at this moment, but I take it they are out there and they will be here for your testimony so that we can have some response, and so do you have an opening statement that you want to make today?

Mr. USRY. Yes, sir, I do.

The CHAIRMAN. Fine. Go right ahead.

[The prepared statement and exhibits of Mr. Usry may be found on pps. 53–105 of the appendix.]

STATEMENT OF TRACY USRY, STAFF MEMBER, SENATOR HELMS

Mr. Usry. Mr. Chairman, members of the committee, let me again thank you for this opportunity to address you today. I will address your questions from last week in the order they were asked, citing the page and line number of the transcript of last weeks' hearings which correspond to each request to us, and then I will prepare or provide the appropriate answer.

Question 1, Senator Kerry: "But in fact, it is true, is it not, that nine Americans were turned over to the U.S. in 1973 from Laos who were nominally Pathet Lao prisoners? Those were as repatriated from Laos."

Mr. Chairman, I offer for the record a copy of a document from the Defense Intelligence Agency dated 7 December, 1977, addressed to Capt. Raymond A. Vohden, U.S. Navy, Principal Advisor Office of POW/MIA Affairs, Office of the Assistant Secretary of Defense, and the subject is Pathet Lao knowledge on U.S. prisoners, and basically the correspondence provides a summation of information held by DIA regarding the degree of knowledgeability possessed by the Pathet Lao on U.S. personnel unaccounted for in Laos.

The Chairman. Where is the document?

Mr. Usry. It is enclosure A to your copy of the report.

The Chairman. Where would that be? Can you help me out?

Mr. Usry. In the back, sir.

The Chairman. It is the first document, enclosure A?

Mr. Usry. Yes, sir. Should I continue?

The Chairman. Yes. Go ahead.

Mr. Usry. The nine U.S. personnel who had been captured in Laos and who were released in Hanoi during Operation Homecoming were all captured by North Vietnamese forces operating in Laos and moved to North Vietnam for detention.

The Chairman. That is sort of the same thing I was saying, is it not?

Mr. Usry. I'm not disagreeing with you, sir. I'm just providing the documentation we used to state what we did in the report.

The Chairman. But what you had said was that none were turned over.

Mr. Usry. Excuse me?

The Chairman. The reason I had asked the question is I thought you had said in your report that none were turned over.

Mr. Usry. No, sir. What we said was that the nine people that were released during Operation Homecoming were not in the hands of the Pathet Lao but in fact had been taken by the North Vietnamese and released to—captured by the North Vietnamese and transported to Hanoi and released by the North Vietnamese during Operation Homecoming.

There was nothing in our report that would indicate that the Pathet Lao themselves had ever released any American POW's that they had captured. So those nine people that are referenced routinely were in fact, according to the document that we read, captured by the North Vietnamese, transported to Hanoi at some point in time, and then eventually released during Operation Homecoming by the North Vietnamese.

Senator McCain. The only point is, they were officially released by the Pathet Lao at the Homecoming. They were given to the Pathet Lao, even though the witness is correct when he states they were captured by the Vietnamese. They were carefully and categorically placed as releasees by the Pathet Lao.

The Chairman. Go ahead.

Mr. Usry. Question 2, Senator McCain: "So your allegation that the two Thai special forces identified Dooley's photograph as a fellow inmate is false?"

Mr. Chairman, I offer for the record a declassified sanitized U.S. Air Force message date and time group 052635 Zulu March 1973 from 13th Air Force Clark Air Base, Philippines to AIG7819. This is a Homecoming Air Force message, special report 007, subject, debriefing.

The message relates to the debriefing of two Thai military returnees by U.S. personnel. The returnees identified North Vietnamese personnel who dealt with POW's. The identifications were made by picking out photographs from the DIA publication, North Vietnamese Personnel Associated With U.S. POW's. The Thai identified 13 North Vietnamese who dealt with American prisoners of war as guards, interrogators, or those who were involved with the torture of U.S. prisoners.

The second portion of the document references the two Thai personnel selecting photographs of approximately 300 U.S. personnel with whom they were imprisoned. The photographs were selected from Volume 1 of the DIA pre-capture photographs of missing in action in Southeast Asia. The photographs identified, according to the message, were of personnel all listed as returnees during Operation Homecoming.

In Section 3 of the report it states that the Thais also identified personnel from the photograph volume provided by DIA who were not listed on the list of returnees. They are as follows: Charles E. Shelton, Edwin B. Templin——

The Chairman. We can read those.

Mr. Usry. And, of course, James Dooley.

Question 3——

Senator Reid. Mr. Chairman, I am sorry. Explain to me, I guess—and I don't mean this to be facetious, but so what? I mean, tell me what you are saying here.

Mr. Usry. Well, what I'm doing, sir, is replying to the questions that were asked.

Senator Reid. I understand that, but what is your reply. Just tell me.

Mr. Usry. Well, in essence the question was whether or not the information we had concerning Dooley that we referenced in our report was available, or was it just a false accusation on my part, and all I was doing now is presenting that documentation in which we used to formulate the position that we took.

Senator McCain. Do you think it would have been fair to mention the fact that it was in a list of many other names, none of whom have ever been reported, or who have been found or returned? Do you think that would have been a more complete picture of the situation? Because obviously the Thais went through hundreds of pictures and picked out, what, a dozen there, none of whom have ever been accounted for. Do you think that would have been more appropriate and a fair presentation of the facts?

Mr. USRY. I think what was appropriate was the position that we put out initially, Senator, which was there was some concern for the accuracy of the intelligence analysis concerning the whole Dooley and Hickerson issue, and the specific question or statement made to me last week is that the information I was providing was false, and all I'm simply trying to do is present that information that is available, or that was available at the time we drafted the report that we did.

The CHAIRMAN. Let me just say, you're saying they picked out a group of people among whom was Dooley, is that accurate?

Mr. USRY. Yes, sir, that is my understanding from reading the document.

The CHAIRMAN. The document, again, is where?

Mr. USRY. That would be enclosure B in the back of my statement that you have.

The CHAIRMAN. I don't understand. Do I have all of document B?

Mr. USRY. I'm going to look and see exactly what was provided to you right now.

Senator REID. Document B has three pages—enclosure B.

The CHAIRMAN. OK, I have a document B.

Senator REID. It has three pages.

Mr. USRY. On the second page of enclosure B is a list of names.

The CHAIRMAN. OK, I am with you. I have got a list of names, all right. Where does it say that the Thais identified anybody on that list?

Mr. USRY. If you go back to the previous section, and I will read it verbatim to you——

The CHAIRMAN. Well, I can read it. At least, I think I can read. I am just trying to find——

Mr. USRY. On the second page, on section 2, it starts with SNF. During this debriefing the two returnees were also shown Volume 1, and in there it indicates that they picked out the listed personnel as also individuals they had seen, and these personnel were not reflected on the returnee list on Operation Homecoming.

The CHAIRMAN. I see. Paragraph 2, during the debriefing of two returnees, and those returnees are?

Mr. USRY. Those were Thai special forces personnel.

The CHAIRMAN. OK. I just want to understand it.

So it says they were cooperative and enthusiastic in establishing a ready—or a reliability by identifying nearly 300 personnel who were on a list of returnees from the DIA photo album.

Senator REID. Maybe that word isn't, reliability. What is that word?

The CHAIRMAN. A ready ability by identifying nearly 300—the following personnel were identified by photos and do not appear on the list, and that was Dooley. So in other words—OK, fair enough.

Senator REID. Apparently, somebody saw a bunch of prisoners or pictures, and some of these people in the pictures supposedly didn't come home, is that the story?

The CHAIRMAN. That's interesting. So these folks were picked out as having—they recognized them, who they were, but that they hadn't come back on the list of returnees in Operation Homecoming.

Mr. USRY. I would basically state both you and I are making the same assumption. This is the assumption we drew from the documents.

The CHAIRMAN. OK.

Mr. USRY. Question 3, Senator McCain: A U.S. POW who had been repatriated said he saw Dooley's name written on the wall of a prison cell in Hanoi. Who was that POW? Let me go on. So his allegations, basically, Mr. Chairman, has been relayed to him with no basis of fact.

Again, what facts do you have to back up your allegation that a U.S. POW had been repatriated who said he saw Dooley's name written on the wall of a prison cell in Hanoi, and under enclosure 3 there is an electrical message or a copy of that which puts forth the information that we related. Enclosure C.

Senator MCCAIN. Do you not think, Mr. Usry, again, as with the previous statement, it would have been more appropriate for you to report that he said he either read it on the wall or heard the name? Wouldn't that have been more appropriate in your report?

Mr. USRY. No, Senator, I don't necessarily agree with that statement.

Senator MCCAIN. Thank you.

The CHAIRMAN. Where does it say that?

Mr. USRY. I'm going to read that to you.

The CHAIRMAN. He either saw the name on the wall or was told about the name.

Mr. USRY. Now, what I would like to make interesting——

The CHAIRMAN. Can I ask you something? Let me just follow up, because I don't want Senator McCain to be alone in sort of questioning that. I mean, my reaction is, that's pretty significant, if you're going to say something was seen on a wall, but his memory was that somebody might have mentioned it to him. I'm not saying it puts everything in doubt here. It's just a question of how you come at this.

Mr. USRY. Well, I would like to reference our basic report again to see exactly what the wording was, and I will pull a copy if you will just wait a moment. I believe that was Section 5.

[Pause.]

Mr. USRY. That is Section 6.

Senator MCCAIN. It says he saw Dooley's name on the prison wall in Hanoi, period, 6–3, the second paragraph.

Mr. USRY. I'm sorry, paragraph what?

Senator MCCAIN. The second paragraph from the bottom on page 6–3.

The CHAIRMAN. Do you think that has an impact whether he heard the name from another person or saw it on a wall? I mean, isn't there a fundamental distinction in fact there?

Mr. USRY. No, I don't believe necessarily there is. I honestly believe that what we're doing here right now is basically splitting atoms. May I continue for a moment?

Senator McCain. While we are here, could I go down one paragraph while we're on the same subject. In the next paragraph, it says in April 1989 former POW Hickerson: and therefore he could not have been swimming out to sea when he was captured.

I talked to Captain Hickerson last night and he was swimming out to sea, Mr. Usry, and I understand that is also in his debriefing. So there's not nitpicking here. Your statement is he could not have been swimming out to sea when he was captured. He landed on land, he ran into the water and was swimming, and then turned around and came back. That is his words, and I understand that that's part of his debriefing when he came out. I hope you will correct that in future reports.

Mr. Usry. Well, Senator McCain, if you look at what was provided to us by the family members, and there are enclosures in my statement that concern that where Commander Hickerson—or, I'm sorry, Captain Hickerson landed and was basically on the end of more or less a peninsula, and when he went swimming, he went swimming back toward the land area, not actually out to sea. Anyway, this is the information we worked on.

Senator McCain. You say he could not have been swimming. He did go swimming.

Mr. Usry. I will grant you that, and I will ask you this question. Is—if—the issue whether he went swimming the important issue, or is the issue that the accuracy of the analysis does not match what happened to him by his own words in a letter that he provided to a family member?

Senator McCain. I think it's very important that the JCRC later after review indeed said that it was not the case that the refugee was confused in the shoot-down between Hickerson and Dooley. Did you know that?

Mr. Usry. I don't understand what you're saying, actually.

Senator McCain. After further evaluation, the analysis of the refugee's report by JCRC, after their initial finding that the refugee had been confused with Captain Hickerson's shoot-down, the JCRC later issued a reevaluation saying that they did not believe that he was confusing it with Captain Hickerson's shoot-down and capture. Did you know that?

Mr. Usry. I think we're talking about the same documents that we have, but what I don't understand is are you saying—and I'm not playing——

Senator McCain. What I'm saying is the initial analysis, we're saying this refugee had confused Mr. Hickerson, that it might be Dooley. Later they thought it was Hickerson.

Mr. Usry. So the refugee——

Senator McCain. The refugee was even a year off, Mr. Usry. You don't highlight that. He has it in 1968. I mean, he thought it happened a year later.

Mr. Usry. So what are you telling me? Are you telling me the final decision by JCRC is that shoot-down does not apply to Commander Hickerson?

Senator McCain. No. I'm saying that they originally said that it was Dooley, and then they reevaluated it and said that it was probably not. It's my understanding that there was a broad spectrum of information that they have to go by.

Mr. Usry. I agree with you, but what I'm trying to point out is when they made the final evaluation and said what they had said initially was that it was Dooley, or could have possibly been Dooley.

However, their final decision or determination was that it was Hickerson is what we take exception to, and we base that exception on what was provided to the family members and as well as what Commander Hickerson—or, I'm sorry, Captain Hickerson provided in a letter to the family members, and that's why we're saying that there is a difference.

The Chairman. But you see, the reason it's important, Mr. Usry—and I want to absolutely assure you you are not being singled out here, but you've got very specific stuff you're putting in front of the committee, and if somebody is asserting that it is not in fact, fact, and that it is specific, we have got to sort out, because it bears on the particular case interpretation, and I accept, I'm impressed by the Thai observation and that the Thai makes a statement, and that's good documentation.

The problem is here in the report, which is what a lot of people have been going on lately, you really do have a couple of statements there that vary from what somebody who is looking at this neutrally or something might say.

I mean, if I read that they either saw his name written on a wall of the cell or heard it from someone else, I'm going to have less weight attached to that particular case analysis, because, or hearing it from somebody else means it's 50–50 or less that he saw it on a wall.

You have asserted that he saw it on the wall, and I read it to the family, he saw it on the wall. I mean, that was part of my judgment that it was a strong point. But in fact, that's not so.

Likewise, swimming out to sea. When I read this and it said, he could not have been swimming out to sea when he was captured, I have no notion that he might have been swimming elsewhere. I just have a sense that he wasn't swimming out to sea, he was elsewhere, and in fact your report sort of infers that when he was shot down he was in a different locale sort of altogether.

In his statement, Hickerson pointed out he landed on the inside of the peninsula and therefore couldn't have been swimming out to sea. I mean, do you see what we're saying? It leaves you questioning whether you really have facts here or you have tidbits of evidence that might, with further investigation, lead you to be able to draw the conclusion you've drawn but don't yet allow us to. That's the issue.

Senator McCain. And Mr. Chairman, could I just add one other thing. Again, would it be more appropriate in a statement of a report to say that the Thais identified this man as having been seen along with 10 or 11—I have not counted the other names—none of whom we have ever been able to account for?

I think that that puts it in a kind of a context the Thais were looking at volumes and volumes of pictures, and so I just think that it might be a clearer picture if it was mentioned that they identified him along with about 10 or 11 others, none of whom, unfortunately, tragically, we have ever heard from again. But please respond, Mr. Usry.

Mr. Usry. I don't really know if I have a response. I think what we're discussing here, especially in this last instance that you brought up, is a style of writing. If you take exception to the style of writing that is in this report, there's really very little that I can do to answer that. This was a final report that was approved, and that is what was published.

Senator McCain. I'm sorry, I wasn't talking about a style of writing, Mr. Usry, but if that's the conclusion you draw, I think you've answered the question.

Senator Reid. The question I have, though, are you talking about style of writing, your writing? Is that what you're talking about?

Mr. Usry. This is a cumulative report worked on by several persons.

Senator Reid. Let's talk about style of writing here on page 18.

Mr. Usry. Of what?

Senator Reid. Of your statement.

Mr. Usry. Just a minute.

Senator Reid. And that is on this organized crime business. Is there any—how are we going to find out about this organized crime figure? I mean, one of my prior lives I spent a lot of time dealing with organized crime, and I know a little bit about it. Now, who is this organized crime person?

Mr. Usry. I would be more than willing to discuss that in a closed session, if you like. I've no objection to that. I think that would be best addressed at that time.

Senator McCain. Why is that necessary?

Mr. Usry. Because as we indicated these were problem areas that we were not able to finish investigating. It, however, came up during the time frame we were conducting our inquiry, and because of that mentioning these people—and I really have no problem with the known organized crime figure, because this person has been linked with organized crime, but in discussing that, then we're going to get into the member of the White House National Security Council and a high-ranking member of the POW family—POW family organization, and I think it really would be best for all considered to discuss that in a closed session.

Senator McCain. If we do not—though if we do not talk about it in open session, then anyone who is a member of the White House National Security Council staff is now under suspicion, and any prominent and high-ranking member of the POW family organization is now under a cloud of suspicion.

Would it not be more fair to identify the document and identify these people rather than make—I mean, if I were a member, a high-ranking member of a POW family organization or a member of the National Security Council, I think I would want to get this resolved publicly.

Mr. Usry. Well, I will defer to the chairman at the time, and I believe that would be Senator Smith. I'm more than willing to provide that information in closed session and let you make the decision as to whether or not you want to discuss it openly, unless you tell me I have to discuss it openly, and then I will.

Senator McCain. I do not say you have to do anything, I just think it is fair.

Senator KASSEBAUM. Well, this was a question I wanted to pursue. I came in late, so I did not know whether we were going through this front to back, but by this inference and these conversations I guess I am trying to understand why organized crime would be involved. Is there a drug connection here somewhere, do you think, or what is the implication of all of this?

Mr. USRY. Senator, we have no idea why they're involved. We only know the individual that maintained the diaries and what he had done in another issue, as far as what may be the reason that they're involved, but again, we were not able to look into this totally simply because the assets were not available. That is why we listed it as a problem area that we had not finished looking at, and I don't really know whether it's drugs or anything else, honestly, but there is information that exists that shows exactly what I had indicated in my statement.

Senator KASSEBAUM. Well, I am sure that at some point we will take a look at it simply because I think once this kind of statement is made publicly, then everybody does try and second-guess either who is involved or why, and I find it really very hard to have these sort of things on television with, sort of, an unclear focus on how we are going to handle it, or what is out there.

Senator REID. Mr. Chairman, if the gentlelady would yield, I can say that if we do do this in closed session, I am going to make this public anyway.

The CHAIRMAN. Well, let me ask a question.

Senator REID. Senator McCain, because this is in relation to a question that you posed, if we do have this in closed session I am going to make this public anyway, because we cannot have the State Department, the White House National Security Council, and one of these POW family organizations being part of organized crime. I think it would be to everyone's best interests if it were made public now.

The CHAIRMAN. Let me just ask a question, if I can, before I try to make a judgment on that. A "known organized crime figure," by whose judgment is that determination made?

Mr. USRY. That was information provided to us by personnel from the Department of Justice as well as the individual who provided the information to us initially, and I might add that all of that information is presently available in the archives of your subcommittee, Senator.

The CHAIRMAN. I am familiar with that, but I want to know—you see, we did not make it public.

Mr. USRY. No, sir, I understand that.

The CHAIRMAN. So that is one reason that my mind has gone clickety here is that there is a reason why we did not, and therefore I am a little reluctant here now to do this. I want to ask, is that as a result of investigative work that was done by Jack Blum?

Mr. USRY. Yes, sir.

The CHAIRMAN. And that is a memo to the file that Mr. Blum made, is that what you have taken this from?

Mr. USRY. I guess you would call it a memo to file, yes, sir. I mean, we saw excerpts.

The CHAIRMAN. I understand, but it was not part of any final report that my subcommittee issued?

Mr. USRY. No, sir.

The CHAIRMAN. So for whatever reasons we chose, that we did not have enough information, or it wasn't relevant, or for some reason, it wasn't included in the report.

Mr. USRY. I would imagine so.

The CHAIRMAN. The known organized crime figure is so designated by the Justice Department?

Mr. USRY. That's the information that I was provided when I asked about the name.

The CHAIRMAN. Well, look——

Mr. USRY. And I'm just going again by what we were told, and that is why we put it in as a problem area that we were not able to pursue.

The CHAIRMAN. It seems to me, so that the committee is not put in the position of doing injury to some member of the administration who met with somebody who might not be, in fact, an organized crime figure, and then their name is dragged into this and the person's name is, or that it isn't relevant somehow to this particular inquiry, I would really like to see the committee look at that particular file, without doubting what Mr. Usry is saying, but make a sensible judgment about it.

This inquiry doesn't end here today. There's no reason that we have to rush to put people's names in the spotlight if they don't belong there, and I'd like to see the committee be cautious about that, and so I'd rather wait, if you don't mind, but I agree in principle with what the Senator from Nevada is saying, which is that if it is relevant, and if there is some reason that the meetings took place and they had something to do with what Mr. Usry is saying, obviously it ought to be public at that point.

But why don't we make a judgment on that, if the Senator is willing to. I don't want to cut the Senator off at all, but I think it would be wise to do that.

Senator SMITH. I would concur with that. I think it is better to err on the side of caution.

The CHAIRMAN. And then we can proceed. I think this is your inquiry at this point in time. I do not have any questions now.

Senator REID. We interrupted Mr. Usry.

The CHAIRMAN. Mr. Usry, you were going through, I believe, your presentation point by point. Is that accurate?

Mr. USRY. Yes, sir.

The CHAIRMAN. And the Senators are going to take liberties as we go on, just so that it is all clear, so if you would pick up where you left off, that would be fine. I am going to let Senator Smith Chair here.

Mr. USRY. I'm on Question 4, Senator McCain: "I see, and finally a communist propaganda photograph of captured U.S. pilots in Hanoi, dated after Dooley was shot down, shows a partial profile of a person that strongly resembles Dooley. Do you have knowledge of that further, and yet the DIA and no Government agency has that photograph, according to them?"

Mr. Chairman, I offer for the record the following, and again, that is an attachment or an enclosure to my statement. It is the next enclosure.

Senator SMITH [presiding]. Is that D?

Mr. Usry. Yes, that would be enclosure D. What I offer is a DOD Vietnam information form dated September 17, 1970, showing that Mr. Henry E. Dooley and wife identified photograph number 46, shown to them by DOD personnel as possibly being their son, Lt. James Dooley; a second document entitled, photo comparison analysis results of a Christmas 1969 photo dated 1 February, 1971, reflecting a comparison of two pre-capture photographs of Lieutenant Dooley with the same photo identified as Christmas 1969 film number USN number 46, the results of which were inconclusive, unable to judge.

Senator McCain. So would it not, again, have been helpful that if you had put down in your report that the results of the analysis of the photo were inconclusive?

Mr. Usry. I don't believe I said that the results of the photo were conclusive, just that there was a questioned photograph.

The question that was put to me was that—or the statement that was put to me was that the Government, the DIA, nor any other Government agency, had that photograph, and what I'm submitting is that photograph originated with the Government.

Senator McCain. And that photograph was inconclusive, and so therefore they don't know whether that photograph was of Mr. Dooley or not, so how could they carry it as being of Mr. Dooley?

Mr. Usry. Senator, I was addressing the question you asked me.

Senator McCain. About the picture, which is supposedly—which some people believe might have been Mr. Dooley. After analysis by DIA it was ruled as inconclusive, isn't that correct?

Mr. Usry. Which to me would mean that there it either is or isn't. There's really no way to tell.

Senator McCain. So if it wasn't, or it either is or isn't, then they can't attribute it as being of Mr. Dooley, since it was inconclusive. Please proceed.

Mr. Usry. I am told that the DIA also maintains a complete casualty file of each individual missing. If that is, in fact, true, then the position that that photograph did not come from either DIA or any other Government agency is not an accurate position, and that, again, more than demonstrates part of the problem that exists concerning the POW issue—that there are inaccuracies from the Government.

Now, even more so. The Dooley family was shown the photograph in the latter part of 1970. There was no analysis requested by the Department of the Navy until February 1971, which is over 4 months after the initial viewing. It is our position that certainly is not what we would call an expedited concern, and also as far as we're concerned shows a lack of compassion for the families, or it certainly did at that time.

Question 6, Senator McCain: "Like your trip to Thailand that you just took. Tell me about your trip, would you, Mr. Usry?"

Mr. Chairman, members of the committee, during the latter part of July of this year Congressman Clement arranged for one of his constituents to provide to myself and staff of Senator Grassley what Congressman Clement's constituent felt was compelling information concerning live Americans being held in Southeast Asia.

Judge Hamilton Gayden provided documentary and physical as well as photographic evidence depicting what he thought were live

American POW's being held in Southeast Asia. The most compelling evidence was that of a photograph of a caucasian male and oriental female which according to Judge Gayden was Lt. Comdr. Larry J. Stevens. Stevens was declared MIA during the war in Southeast Asia.

Since the Senate Foreign Relations Committee and Senator Grassley's staff had already initiated some photographic comparison in the case of Capt. Donald Carr based on photographs submitted by Mr. Jack Bailey, we felt that this evidence could also be analyzed in a similar way.

This information was discussed with the Minority staff and between July 30 and August 2, 1991 I traveled to Fort Collins, CO, to provide Dr. Michael Charney, a forensic anthropologist at Colorado State University with the questioned photograph as well as pre-loss photographs of Lieutenant Commander Stevens.

Dr. Charney, utilizing a procedure called computer superimposition, determined that the pre-loss photographs of Stevens matched the forensic profile of the questioned photograph provided by Judge Gayden. The computer superimposition process creates a computer-enhanced image of the face in question and the image of the pre-loss photographs. The images were then overlaid, or superimposed upon each other.

According to Dr. Charney, they aligned. Therefore, he determined the two individuals in the two photographs were the same person. According to Dr. Patrick Fitzhorn, a professor of mechanical engineering at Colorado State University who created the computer images of Carr and Stevens, these images were exact to 1/100th of an inch. Based upon this identification, on the 2nd of August I provided a briefing to Senators Helms and Grassley as well as to another Member of Congress.

Through the efforts of this other Member, a briefing for the Secretary of Defense was set for 5:30 p.m. on August 5 at the Pentagon. At 5:30 on August 5, myself and another Senate staff member and a House staff member were present at the briefing I provided to Secretary Cheney and two of his staff.

At this time, I would like to provide the same briefing that I did for Secretary Cheney.

Senator McCain. I think the first two charts are self-explanatory. Could I ask that chart 3—the defense witnesses say that Mr. Charney analyzed the photograph of Lieutenant Borah the same as he did the others, is that correct?

Mr. Usry. At the time we provided the briefing to Secretary Cheney, the analysis of Lieutenant Borah and the questioned photograph had not been completed.

Senator McCain. Has it been completed?

Mr. Usry. Yes, it has.

Senator McCain. He said that it is the same.

Mr. Usry. He later rescinded that and said he was incorrect.

Senator McCain. Well then, he rescinded it.

Mr. Usry. Yes, he did.

Senator McCain. After it became known that the photographs were probably fake?

Mr. Usry. No, not at all.

Senator McCain. And you did, of course, take into consideration when you presented this evidence the view of the—according to the Department of Defense people, the view of Sandia, the view of the FBI and the view of others, that Mr. Charney's work was not acceptable as evidence in their view.

Mr. Usry. At the particular point in time, Senator, that we provided this briefing, that other information was either not done, or if it was done, it certainly had not been made available to us.

Senator McCain. Well, do you have any opinion of the view of the FBI and Sandia and others about—since now you know that they believe that his methodology is not credible, at least that is the words of the Department of Defense, does that affect your opinions at all?

Mr. Usry. I agree totally with the Defense Department position that the photograph of Lieutenant Borah, or the alleged photograph of Lieutenant Borah, is not Lieutenant Borah, which was my position from the beginning, when I first dealt with the families.

Senator McCain. Now I would like you to answer my question. Does it change your view of the validity of Dr. Charney's conclusions due to the opinion that has been voiced by the DIA as reflecting the views of the FBI, Sandia, and others?

Mr. Usry. Not totally, no, sir. May I continue with my briefing?

Senator McCain. Please do so.

Mr. Usry. Chart 1, pre-loss photograph of Capt. Donald Carr, as well as a photograph provided by Mr. Jack Bailey which he indicates was taken in Laos and believes to be Donald Carr. Also on that particular page is another photograph showing what is purported to be the cage or area that Donald Carr is held in.

Senator McCain. Mr. Usry, I believe we are now going into our sixth hour. I am not sure that we really need for this intensive a review of what you presented to Secretary Cheney. I asked you to tell us about your trip. I think maybe that's a better response, if you just told us about your trip and got through the rest of this.

Mr. Usry. That would be fine, Senator. We traveled to Thailand. The team that we had requested be put together was in fact put together. The source was located after 3 days, I believe, and was ultimately polygraphed by a Department of Defense polygraphers. There were two there, so that everything would be finished at the particular point in time as the polygraph examination was completed.

Once the polygraph examination was completed, it was determined that basically the individual had no valid information and was lying about everything with the exception of him being Laotian and having two children. At that particular point in time, we departed the following day, came back, and that was the end of the trip.

Senator McCain. Thank you.

Mr. Usry. I would also like to add that the information that was provided to us, as well as the briefing that was provided to Secretary Cheney, was such that everybody was in agreement that the evidence as it was presented at that time was compelling enough to act upon and therefore it was, in fact, acted upon.

Do we want to continue with the discussion of Commander Hickerson, or have we pretty well resolved that?

Senator McCain. I am certainly satisfied.

The Chairman. Let me just ask whether DOD or DIA folks had any questions or comments raised by the answer. Have they had a chance to read it?

Mr. Sheetz. I have a fact sheet on the Dooley-Hickerson case that I would be pleased to make available at the appropriate time.

[The information referred to follows:]

Attached is a Fact Sheet on the Dooley-Hickerson case based upon the Senate Foreign Relations minority staff report.

The Case of LTJG James E. Dooley, USN

BACKGROUND

On 22 October 1967, LTJG James E. Dooley was flying an A–4E aircraft which was hit by antiaircraft fire following a strike mission in Haiphong. Witnesses reported that LTJG Dooley's aircraft was streaming fuel and headed toward the Gulf of Tonkin, where it descended and crashed into the water just east of the Do Son Peninsula. There were no signs that LTJG Dooley ejected from the aircraft, no beepers were heard, and a thorough search revealed no sign of survival.

CLAIMS MADE IN THE MINORITY STAFF REPORT

The Senate Foreign Relations minority staff report claims that: a) DOD correlated a sighting report of the capture of an American pilot to returnee Capt. James Hickerson, USN, instead of LTJG Dooley, so as to consider the report resolved; b) "In 1973, a U.S. POW who had been repatriated said he saw Dooley's name written on the wall of a prison cell in Hanoi"; c) "Two Thai special forces' soldiers released from North Vietnamese custody in 1973 identified Dooley's photograph as a fellow inmate" and; d) A communist photo of captured U.S. pilots in Hanoi shows a partial profile of a person who "strongly resembles" LTJG Dooley.

FACTS

a. The refugee report clearly describes the capture of CAPT Hickerson, whose own debriefing account of his capture closely follows the source's reporting.

b. No returnee ever claimed to have seen LTJG Dooley's name on a prison wall.

c. The Thai POW's did not identify Dooley's photograph as a fellow inmate.

d. LTJG Dooley is not depicted in any post-capture photographs.

ANALYSIS OF CLAIMS

The minority staff's "analysis" of the fore mentioned live-sighting report is a classic example of how raw reporting, without access to a data base of facts, can be misinterpreted. In this instance a Vietnamese refugee source interviewed by the Joint Casualty Resolution Center (JCRC) in December 1986, reported firsthand information on the capture of a U.S. pilot in what he believed was October or November 1968. The source described seeing a man in a parachute land on the beach and attempt to evade by swimming out into the water. The source says the Vietnamese shot at the swimmer to limit his movement, and local forces swam out to capture the man. He also says that the pilot began firing at the Vietnamese and attempted to talk on a hand-held radio, but was unable to do so due to waves. He goes on to report that the pilot wore a one-piece uniform with a long zipper in the front and that the POW was blindfolded and his arms bound behind his back before he was loaded into a sidecar. He adds that he was later put in an automobile and driven away.

Based solely upon the loss location, time of day and month, JCRC originally believed the report could relate to LTJG Dooley; however, when the facts of CAPT Hickerson's capture were later brought to their attention (JCRC did not have access to his debrief) they reevaluated all reports from that area and rescinded their tentative correlation to LTJG Dooley, concluding that the source's information described CAPT Hickerson's circumstances of capture.

The minority staff says that CAPT Hickerson has provided a written statement of his capture, claiming "he could not have been swimming out to sea when he was captured," and refuting other points in the source's story. They say that "Hickerson was taken to prison riding on the back of a bicycle, not in a jeep as the fisherman described."

While DIA does not possess the alleged written statement from CAPT Hickerson to which the Senate staff refer, we do have the returnee's 1973 debriefing in which he details the events of his December 1967 capture. Upon returning to the U.S., CAPT Hickerson told debriefers . . . "(he) collapsed his parachute, he found himself face-to-face with about 100 civilian personnel. He immediately separated from the parachute and started running out into the shallow water, after going a short distance he detached his seat pack and commenced *swimminq seaward.* About this time rifle shots started splashing in the water around him . . . ." "At this point Hickerson saw he was about to be captured so he pulled out his survival radio and sent the message . . . to his wingman. He then stopped, put up his hands and surrendered to the DRV swimmers." In his debrief CAPT Hickerson goes on to describe how he was stripped of his clothing, blindfolded, his hands tied behind his back and how he was put on the fender of a motorcycle and taken to the fishing village. Later that day he was also moved in the sidecar of a motorcycle, during which time he was seen by crowds of people who threw rocks and sticks at him.

While there are slight differences in the source's account and CAPT Hickerson's as reported in his debrief, the refugee report clearly refers to the former POW. It is noteworthy that the source was only 13 years old when he observed the event, and 19 years passed between the time he saw CAPT Hickerson's capture and the time he reported it to U.S. authorities.

As to the other points raised by the minority staff, DIA is not aware of anyone claiming to have seen Dooley's name written on the wall of a prison cell. This story appears to stem from a returnee who reported that another POW had mentioned seeing Dooley's name on a wall; however, the POW to which the story was attributed never mentioned Dooley in any manner in his debriefing or later interviews.

When shown a photo of LTJG Dooley, the two Thai soldiers released from Hanoi in 1973 were uncertain, saying they saw a similar face in 1968 at a prison known as the "Zoo." Based upon other information they furnished, it is clear that they saw another individual who subsequently died in captivity, but who bore a physical resemblance to the preloss photograph of LTJG Dooley they were shown. There is no information that points to LTJG Dooley's capture or to his being imprisoned at the "Zoo" or any other prison.

The minority staff also allude to a communist photograph of a profiled POW who resembles LTJG Dooley. We have no clue as to which photo they are referring. With one exception, every POW photograph from the war has been identified, and the one remaining unidentified photo is clearly not the missing Naval aviator. The plain facts are that DIA possesses no post-capture photographs that even remotely can be attributed to LTJG Dooley.

Senator SMITH. You in your travels, Mr. Usry, you were looking at both photographs, correct, both cases—both Carr, and who was the other one, Stevens?

Mr. USRY. No, sir, that is not correct.

Senator SMITH. I mean, Borah.

Mr. USRY. No. The only reason we went to Thailand was to deal with the Stevens photograph. The information that came to us concerning Stevens came to us from Judge Hamilton Gayden. The information that came to us concerning Borah also came from Hamilton Gayden, but since we had no firm identification at that time, it was felt to deal with that which looked most promising.

The photographs of Carr were provided by Colonel Bailey. However, Colonel Bailey was not forthcoming with any information concerning where Carr might be, and so we did not go to Thailand with any intention of determining anything about Carr. We provided the briefing to Secretary Cheney with the Carr photographs to show him the process. Our whole intent was to deal strictly with Stevens.

Senator SMITH. What is Charney's opinion of the Carr photographs?

Mr. USRY. According to Dr. Charney the photographs are of the same person.

Senator SMITH. And Mr. Ford indicated, I forget the exact language that was used, but compelling resemblance, but you had not ruled that out in this particular photograph and that that is a match, is that correct?

Mr. SHEETZ. That is right.

Mr. USRY. Would we like to continue. I would like to continue with those areas that I pointed out in my initial statement, that were areas that we were not able to proceed to because of asset problems. The first one which were attempts by the administration to infiltrate private activists groups, I believe the testimony of Mr. Sampley to this committee last week supports our position. However, I am offering additional documentation to support that position. This documentation will also support our next problem area list.

Two, illegal surveillance and investigation.

The CHAIRMAN. What page are you on?

Mr. USRY. 14.

The CHAIRMAN. Now you say, and I am just reading your testimony on page 14, it says this live sighting report is definitely not that of Hickerson, as the Defense Department indicates. Correct. That is page 14 of your statement?

Mr. USRY. Yes sir. That is also what Captain Hickerson says in his letter and in his statement to me.

The CHAIRMAN. I understand. Can I ask who is responsible for the evaluation of that? Is that you Mr. Sheetz?

Mr. SHEETZ. That is my office.

The CHAIRMAN. Can you come up, do you mind. I am just trying to understand this. It inevitably puts both of you on the spot a little bit and I apologize for that, but I am truly trying to understand this, so the committee can really grapple with this, I mean what we have got here. And I just read it and I have a statement from JCRC to Commander naval military personnel, SOCOM, Special Operations Command. And that is an evaluation which was for NSC from Mr. Childress in January 1987 of the Dooley incident.

The next page, here on page 13, let me go back one page before that, excuse me. Go back before that report that has the evaluation. You had the Hickerson letter, To Whom It May Concern, my name is Capt. James Hickerson, USN, so forth and then he says, I do not believe the captured American pilot subject to the report was me. There are too many discrepancies between the JCR report and my capture.

(1) I was not shot down on 22 December—I was shot down on December—I think he means I was shot down—he says I was not, but I think he means, I was shot down on 22 December, not October or November. (2) My parachute was all white, not red, white and blue. (3) If I had landed 50 meters from an air field I would have been aware of it. (4) I swam no more than 50 yards, not 200 meters. (5) I did not attempt to use my pistol. (6) There were no waves. (7) I was transported away on the back of the bicycle, not in a side car and I was never in an automobile. (8) I was wearing marine fatigues, two piece, not a one-piece flight suit. (9) There was a solid, approximately 800-foot, overcast in the area, making it unlikely that five or six jets plus a helicopter would have been flying under an overcast that close to Do Son.

Despite the fact that the location and date of the described capture was approximately mine, considering the above, I do not believe that the captured pilot reported in JCRC report was me. Very respectfully, J.R. Hickerson, Captain, USN.

Now, has he ever changed that testimony? Are you aware of that?

Mr. SHEETZ. I have not seen this letter before. We've been working with his official debrief and that was done right after he came home when his memory was fresh. And that is the source material that has been available to us.

Senator MCCAIN. Mr. Chairman, could I just add a little bit to this. I did talk to him last night. He is a friend of mine, and he said he was asked various questions. Was your parachute red, white, and blue. He said, no, et cetera. The fact is that the refugee cites this incident as being in 1968 and both Dooley and Hickerson were shot down in 1967. So I think it is a little bit hard and I believe that the refugee's reporting was some 19 years after the alleged incident.

The CHAIRMAN. This is what I am trying to get at.

Mr. SHEETZ. The refugee was 13 years old at the time of the incident.

Senator MCCAIN. 13 years old at the time of the incident?

The CHAIRMAN. Well, the refugee, I am less concerned about. I am just trying to get to the letter.

Senator MCCAIN. This is based on a refugee report. He was 13 years old at the time he made the report, 19 years later. So I think it is very understandable that there might be some problem.

The CHAIRMAN. Was this letter drafted by Captain Hickerson?

Senator MCCAIN. It was solicited.

Mr. USRY. I believe it was solicited by the individual it was addressed to.

Senator MCCAIN. By a family member.

Mr. USRY. I would like to comment, if I may, on Senator McCain's point. I think it is well taken. This is some 19 years later and this was our concern, that the individual was confused to a great degree. Yet it was finally determined to be Captain Hickerson, when it could just as easily have been someone else.

And that is our point. We are not necessarily saying, that this is, or that what the refugee saw was, in fact, a shoot down of Dooley. What we are saying is that what the refugee saw may not have been a shoot down of Hickerson.

The CHAIRMAN. Hang on one second, Mr. Usry. These folks know how many shoot downs there were at Do Son within that period of time. I mean, we know how many aircraft we lost. We know when a pilot went down. So it is either Dooley or Hickerson, I presume. Do you have another pilot that it might be?

Mr. USRY. I believe at that point in time there were four lost in that area from the documentation I reviewed. And they were able to determine in two of those instances, those referred to, there were two crashes in which there, and again, I am recalling from memory there were no bodies recovered or it was assumed that the pilot had, in fact, crashed because there were no parachutes seen.

Senator MCCAIN. Was this 1968 or 1967, because the refugee said it took place in 1968?

Mr. Usry. Again, I would have to refer specifically to the document which I would be more than willing to do. I just don't have that particular document in my hand. But the point I am trying to make is, that I understand, there are some inconsistencies, as Senator McCain has pointed out.

The position we are trying to make is that, with those inconsistencies, it was still attributed the shoot down finally, final analysis by JCRC or the DIA, was that it was Hickerson. Our position is that that analysis was not correct and it could have been Lieutenant Dooley because that is still an unresolved issue.

Senator McCain. In fact in your report you state that the description of events more closely resembles the capture of Hickerson.

Mr. Usry. That is based upon the preliminary findings of the JCRC in which they state other than the timeframe in which the shoot down was described by the source it closely resembles that of Dooley.

The Chairman. Now what do you say to that, Mr. Sheetz?

Mr. Sheetz. Well, I would like to read a very short piece of text here, that is an extract from his debriefing report. I will give it to you in basically what are Hickerson's words. Upon returning to the United States, Captain Hickerson told de-briefers, "He collapsed his parachute. He found himself face to face with about 100 civilian personnel.

He immediately separated from the parachute and started running out into the shallow water. After going a short distance he detached his seat pack and commenced swimming seaward. About this time rifle shots started splashing in the water around him. At this point Hickerson saw he was about to be captured so he pulled out his survival radio and sent a message to his wingman.

He then stopped, put up his hands and surrendered to the Vietnamese swimmers. In his debrief Captain Hickerson goes on to describe how he was stripped of his clothing, blindfolded, his hands tied behind his back. How he was put on the fender of a motorcycle and taken to a fishing village. Later that day he was also moved in the sidecar of a motorcycle during which time he was seen by crowds of people who threw rocks and sticks at him."

The Chairman. That is his own words. His own recollection right after he came back?

Mr. Sheetz. That's correct.

The Chairman. Now, what is there about the Dooley record that makes it similar from DIA's perspective. Originally DIA thought it was Dooley's shoot down?

Mr. Sheetz. JCRC.

The Chairman. What was it that made them come to that conclusion?

Mr. Sheetz. Based solely on the loss, location, time of day and month. JCRC believed the report could relate to Lieutenant Dooley. However, when the facts of Captain Hickerson's capture were later brought to their attention, they re-evaluated all the reports from that area, rescinded their tentative correlation to Dooley, concluding the source of the information described Captain Hickerson's circumstances of capture.

The CHAIRMAN. Now Mr. Usry, let me ask you, do you not think there are sufficient parallels between Mr. Hickerson's own account and a refugee of 13 years' ago account, that it would be improbable that another pilot had almost the exact same experience from shoot down into the water, capture, bicycle, so forth, bicycle slash sidecar; I mean is there not a probability of fact here that has to enter into this?

Mr. USRY. I believe with the probability factor that it could have been Hickerson, it could equally make it Dooley, I do believe.

The CHAIRMAN. What makes you say that?

Mr. USRY. Because when Captain Hickerson indicates to us, or to the family members, at the time he was asked, that he was not placed in a sidecar, he was not transported across an airport or an airfield, he was not put in a car, but in fact was taken a prisoner on a bicycle. That is an extreme difference. And because of that.

The CHAIRMAN. Well Captain Hickerson's own words were just read to you. That is his own debrief. This was Captain Hickerson's own de-brief.

Mr. USRY. So then do we make the assumption that in 1989 he made a mistake and again on the 6th of March, 1990, when I spoke to him that he again made a mistake. I think the easiest way to resolve this particular issue concerning Captain Hickerson would be to ask him, exactly what he remembers now. If, in fact, we are incorrect, then we are incorrect, but if in fact we are not incorrect, then the question is still there.

The CHAIRMAN. Let me ask you this. Did—I do not see Captain Hickerson's signature on this letter.

Mr. USRY. I have it on the bottom in mine. It says, Very Respectfully, J.M. Hickerson, Captain USN, Retired, then it has J.M. Hickerson signed on it. You are looking at the text of my statement. If you look under enclosure F you will find an actual copy of the letter, with his signature.

Senator MCCAIN. Let me just point out Mr. Usry, that I think, frankly, Mr. Chairman, we are spending way too much time on this. We have got a lot of other areas to cover but the reason why we debrief immediately upon release, immediately before we go home, before we see families, you should know, this, Mr. Usry, is so that they can get the freshest facts that they possibly can about our experience in prison.

Now I am not saying that Mr. Hickerson is not telling the truth. In fact, I am convinced, I know absolutely that he is saying whatever is to the best of his recollection, but I would have a strong tendency as he would to rely upon his initial debrief back in 1973, rather than a recollection nearly 20 years later. I think that is the only point.

The CHAIRMAN. Well it is something we ought to try to nail down. Let us move on. We will try to reconcile it as we go along here. Does DIA have any questions about whether or not it might be Dooley today?

Mr. SHEETZ. No. We are confident that it is Hickerson.

The CHAIRMAN. Thank you.

Senator MCCAIN. From what I see, Mr. Chairman, I am not sure.

Mr. USRY. No. 2. Illegal surveillance and investigation of individual activists of this issue by the Department of Defense. Mr. Chairman, I offer for the record several pieces of correspondence either originating from Mr. John R. Mead or addressed to him. The correspondence from Mr. Mead, in all instances, is addressed to various individuals within the U.S. Government to include the Attorney General of the United States, the Public Integrity Section of the Department of Justice, the Counsel to the President, as well as the Internal Revenue Service.

The correspondence to Mr. Mead is from various Government agencies indicating that they have received this correspondence and are acting upon it. Mr. Mead's correspondence addresses his concern with the administration (1) utilizing private organizations to spy on him, (2) conducting character assassination on him, and (3) the Defense Department conducting surveillance of him. He specifically identifies, at that time, Mr. Richard Childress of the National Security Council, as well as individuals affiliated with the Center for POW MIA Accountability Incorporated.

I would also like to introduce for the record a memorandum prepared by Dr. Harvey Andrews, a former member of Senator Grassley's staff, dated September 11, 1989. The memorandum addresses, Dr. Andrews has reviewed the file concerning Mr. Mead's allegations. I wish to also point out that Dr. Andrews is a retired defense criminal investigative service special agent with over 30 years of criminal investigative experience.

[See p. 48 of the appendix.]

Senator McCAIN. Excuse me, Mr. Usry, when were these letters written to Attorney General, Public Integrity Section. Department of Justice, et cetera and Counsel to the President and IRS?

Mr. USRY. They started in May 1984, Senator.

The CHAIRMAN. Where is that in your report?

Mr. USRY. That is enclosure I.

The CHAIRMAN. No, your report originally.

Mr. USRY. No, sir, what we are addressing at this particular point in time, are those issues in my statement of last week, that we were not able to look into due to the non-availability of assets.

Senator McCAIN. Mr. Usry, have there been any investigations conducted concerning these instances that Mr. Mead refers to?

Mr. USRY. Yes, that is what I was going to address now Senator.

Senator McCAIN. What has been result?

Mr. USRY. The resolution was, as far as we are concerned, incomplete simply because it was not referred to the proper agency. The Department of Defense did not deny that they had, in fact, conducted their surveillance. However, they said nothing illegal had occurred. The Civil Rights Violations were never referred to the appropriate agency for determination to begin with and that is what I would like to read to you.

Senator McCAIN. Since 1984 they have not been——

Mr. USRY. That is my, our understanding. May I read the document. On August 28, 1989, the Office of Public Integrity, Department of Justice was asked to produce its file on the investigation of a complaint filed by John R. Mead. Reference a local surveillance by DIA, et cetera, Mr. Jack Keeny produced a three-page declaration of prosecution based upon Mead's complaints stating that this paper summarized our enquiry.

Mr. Keeny would not allow the paper to leave this office. Upon review the declination paper was found to be a superficial enquiry of the complaint by Mead which was conducted by Defense Department's Oversight Office. DIA, through the Oversight enquiry never denied a surveillance of Mead but stated it had done nothing illegal. The portion of the complaint dealing with the Civil Rights Violation was not referred to the Federal Bureau of Investigation or was their any evidence that any other potential criminal violations in Mead's complaint were ever investigated by the FBI.

The paper was a self-serving document that cleared DIA of any wrongdoing. Mr. Keeny was asked to provide the full file on this matter and he said he would have to take it up with some unidentified office. Subsequently Mr. Keeny called and said the complete file would have to be withheld because of the Third Agency Rule and so after that time, to my knowledge, there has been no further pursual of Mr. Mead's allegations.

Senator McCain. And one of his allegations is that Mr. Childress was associated with an organization called the Center for POW/MIA Accountability, Inc., a supposed tax-exempt organization and they and individuals associated with the Center have engaged in attempted blackmail and extortion. After receiving approval from Mr. Childress for their travel, that is the allegation, here, that I read.

Mr. Usry. Those originated from Mr. Mead, Senator.

Senator McCain. The obviously very serious part of his allegation is that Mr. Childress, who was then a member of the National Security Council directed the Center for POW/MIA Accountability, Inc., and individuals to engage in blackmail and extortion of Mr. Mead, is that correct?

Mr. Usry. As Mr. Mead put it, yes. That is one of several documents that he offers indicating what he felt were improprieties or illegalities.

Senator McCain. Do you know anything about this Center for POW/MIC Accountability, Inc.?

Mr. Usry. I know very little about them, Senator. I do believe that, that is the same organization or corporation that Mr. Sampley also referenced that had hired him, but I am not sure on that. I believe it is the same one.

The Chairman. What is the gravamen of your allegation regarding this?

Mr. Usry. Simply that it was not proceeded to its logical conclusion. It is my understanding that Civil Rights Violations are the principle responsibility of the Federal Bureau of Investigation.

The Chairman. You are not vouching for the authenticity or validity thereof?

Mr. Usry. No, sir.

The Chairman. You are just saying it was not investigated?

Mr. Usry. That is correct.

The Chairman. That should be easy enough to ascertain.

Senator McCain. Do any of the DOD witnesses here know anything about the Center for POW/MIA Accountability, Inc.?

Mr. Sheetz. I do not, but there is something else I would like to say. I do not have any knowledge of that organization, but if I could I would like to point out that DIA is a foreign intelligence organization and we do not do domestic surveillance. If indeed there were any surveillance of Mr. Mead, I can tell you categorically it would not have been done by DIA.

I do not know where this notion of unlawful surveillance by DIA came from, but we are not authorized by our charter to do enforcement surveillance or any of that kind of work in the United States, except under extremely limited context and I have seen nothing here that would lead me to believe that this would be one of those type cases.

Senator McCain. Mr. Usry, were you aware that DIA does not surveil Americans, anyone domestically?

Mr. Usry. I am aware that the DIA has no charter to do so, yes, Senator.

Senator McCain. But you believe they did?

Mr. Usry. I have no belief one way or the other.

Senator McCain. You say in your statement there was illegal surveillance and investigation of individual activists of this issue by the Department of Defense?

Mr. Usry. I believe I also state those are problem areas we were not able to look into due to restriction of assets and that those were areas that were left unresolved.

The Chairman. What page is that on?

Senator McCain. Page 14 is the illegal surveillance, the Center for POW/MIA Accountability Inc., and also there is allegations about Mr. Armitage.

The Chairman. Within your original report to the committee, the subcommittee report, the Minority report, what page is that on?

Mr. Usry. Senator, again, I believe that what we are discussing right now are those seven issues that are referenced.

The Chairman. Just deriving out of your statement?

Mr. Usry. Yes sir.

The Chairman. Not out of the report?

Mr. Usry. No sir.

The Chairman. Where you alleged in your opening you were unable to complete?

Mr. Usry. Yes sir.

The Chairman. Because of—I think I recall that. I do not have a copy. I seem to recall that I read it in the context that you said they were, I suppose it depends on how you read it. All right.

Why do you not proceed? I think what we want to try to do here—and I have read through the others—I think they are pretty self explanatory, with perhaps one or two questions that might arise. Well, that was the illegal surveillance. That was the last one; is that accurate?

Mr. Usry. That was the last one we addressed, yes, sir.

The Chairman. Are there any of the other areas that Senators want to survey and then ask questions about, rather than go through each and every one? If you have questions on them, otherwise they can stand as their own explanation.

Senator Brown. Mr. Chairman. I do not believe you have covered this in depth, but I was looking on page 20, item No. 3. Certain U.S. Government officials who testified before the House Congressional Hearings lied. Documentation which I will provide for the record in the form of personal correspondence from various personnel employed clearly showed this duplicity. Who were the Government officials?

Mr. USRY. What we have is personal correspondence between former and present employees of CIL–HI, in which they indicate that some of the statements they made, during, I believe it was a House Hearings a few years ago, were not, in fact, correct, and that they were purposefully misrepresented or misstated.

Senator BROWN. I am sorry, the question I asked was, who were the people?

Mr. USRY. If you will allow me to look in my files here, I will be more than happy to provide it, or if you would submit it for the record I will be more than happy to give you the names. Why do we not just go through the files here.

Senator BROWN. My understanding of the purpose of this was for you to present the documentation for the statements that have been made.

Mr. USRY. That is correct. And so would you like to take a 5-minute break while I go through those.

The CHAIRMAN. Do you have the personal correspondence here.

Mr. USRY. Yes, sir, I do.

The CHAIRMAN. Why do you not pull that out. That would be helpful. And let me just ask you, while you are doing that. Did you read the foreign relations committee file, the file with respect to the so-called organized crime figure?

Mr. USRY. No.

The CHAIRMAN. You did not read the file itself?

Mr. USRY. No, sir. You mean what was provided to us or what may be in there in total?

The CHAIRMAN. Well what was provided to you.

Mr. USRY. An abstract of—what we were looked at was an abstract of the notations on various date diaries by one of the individuals.

The CHAIRMAN. In writing? You saw that?

Mr. USRY. I saw it. It was basically a computer print out.

The CHAIRMAN. But you did not see the file itself.

Mr. USRY. No sir.

The CHAIRMAN. And the abstract was provided you specifically by whom?

Mr. USRY. You had mentioned his name earlier.

The CHAIRMAN. By Jack Blum.

Mr. USRY. Yes.

The CHAIRMAN. He gave you the abstract?

Mr. USRY. He let us view it.

[Pause.]

Mr. USRY. Let me refer to your question, Senator Brown. I have some of it here right now. I am still going to have to search for all of it, but what this is, it is a synopsis of correspondence between various personnel that in fact were involved in the operation of CIL–HI and there is a 17 March 1987 letter by Mark Frankel, to Mark Frankel, from Dr. Sam Dunlap, who at the time was employed at CIL–HI. Actually, he was employed at CIL–HI from 2 January, 1986 to 8 August, 1986.

By March 1986 I learned from Dr. Norman J. Sauer of Michigan State University and Dr. William R. Maples, the State Museum, that most of the Pot Set Laos cases, identified in June 1985 were fraudulent and that his assistant, Ms. Marla Mahoney had told Drs. Gail, Maples, and Charney, in February 1986, New Orleans American Academy of Forensic Sciences meeting that skeletal identifications appeared more believable than they really were.

15 May 1986 she told Dr. John K. Lundy, at CIL–HI, same information. Maples informed Dr. Sauer that a former CIL–HI employee had told him that the Commander of CIL–HI changed identification reports on a regular basis. Alice Curley, personal friend of Mr. Furooey, since 1950's and has consulted for the Army off and on for years. And then it goes on and on, so one of the people that did, in fact, lie during the hearings was Ms. Mahoney, when she was asked certain questions during the hearing and I also have transcripts of that hearing that I am more than willing to provide to the committee.

Senator Brown. You quoted a letter from Dr. Dunlap. The question I asked was, who was it?

Mr. Usry. Marla Mahoney, she was an employee at CIL–HI at the time. She testified at the hearings.

Senator Brown. If you are willing to, Mr. Chairman, what would be helpful to me to have are the names of all the U.S. Government officials that lied.

Mr. Usry. Could I give that to you on the record or do you want me to do that right this moment?

Senator Brown. Well I think the Chairman has some other things he would like to go through but what I would like you to do if you would submit for the record, one, the names of everyone who lied and two, the dates on which they testified, and the page reference within the transcript and four, the quote which they gave that is not accurate and five, the documentation that shows that what they said was incorrect. I think that would give us the specifics we need to evaluate that. Is that satisfactory, Mr. Chairman.

The Chairman. Absolutely Senator. I think that is a good suggestion and a good way to proceed. Do other Senators have other specific areas of enquiry?

Senator Grassley. Are we at the end of this testimony?

The Chairman. What I am trying to do, Senator, is speed the process up a little bit because some of this is self-explanatory it stands on its face. But Senators have a specific question about one of these areas, I want every Senator to have an opportunity to ask and then if the administration wants to respond to any particular assertions in any of these areas, they will have an opportunity to do so.

Senator Grassley. I think I had better ask, at this point, a couple of questions, not quite as specific as what you wanted, but I would like to have, Mr. Usry explain as he sees it what was the purpose behind the Senate Foreign Relations Committee Minority Staff Report?

Mr. Usry. The purpose of the report was to put forth that information that we had developed that showed there is a problem. And that there is a concern on the part of the public, specifically those families, that their best interests have not been served. Also, to create that which was necessary in a public forum to cause this committee to actually be chartered and that was basically the reason behind this. There were formulation meetings, if you will, some time ago attended by various staff personnel of some of the people here on this committee and at that particular point in time we provided them with information we had concerning our enquiry.

It was after the publication, I believe, of our first report and that would ultimately might be the end result, part of which would certainly be that there was no way, certainly with the assets that we had, that we could cover this problem in total. It just was not possible. So what we tried to do was bring out that which we found to be questionable so that this committee would eventually formed, and in fact, that is what has occurred.

That was the purpose behind the report, knowing that there was no way that people that were involved in the formulation and writing of this report were the right people or enough people or the right kind of people in every instance to look at this problem from beginning to end. So what hoped would occur, or in fact did, and that was the reason for this report.

Senator GRASSLEY. On a more specific point, in regard to something that Mr. De Statte said in response to an earlier question about Peter Cressman. I would like to have you tell me any commentary on that, or any information you have on it.

Mr. USRY. Prior to my opening my statement I provided to the Chairman of the committee a document concerning Peter Cressman and his shoot down. What is interesting is that Peter Cressman was, in fact, shot down over Laos, after the U.S., I believe, signed the Peace Treaty with North Vietnam and in the documentation that I have presented, and I am by no means an expert on the Peter Cressman shoot down, I only go with what was provided to me, there are partial Intelligence Reports that indicate that shortly after the shoot down there were Americans seen as prisoners within 65 kilometers, I believe it was, of where that plane crashed.

It would also indicate to me, based upon what was provided to the family members, and again, that is who we are working with, that the question you asked earlier, whether or not we were aware, or had broken the code of either the Vietnamese or the Laotians, either the Vietnamese or the Laotians were transmitting in open text and normal language, or the code was broken because there are copies of the text of radio messages in which they discuss four pilots, four criminals which Americans were routinely referred to in Laos and would lead one to believe that the possibility from what was presented to us by the family members, that some people may have actually survived the Cressman, that Baron 52 was the call sign of the particular plane, may have survived that plane crash.

Again, I am no expert on that, but I offer and provided the committee everything we had concerning that particular shoot down.

The CHAIRMAN. Let me just ask, Mr. Sheetz, maybe you could come back up for a second, or the appropriate person, maybe Mr. De Statte. And you have already been sworn Mr. De Statte. Let me just ask you now. Picking up a bit on where we were earlier today, do you have definitive evidence that what he is saying is not accurate, that everybody in that aircraft was killed?

Mr. De Statte. Yes sir.

The Chairman. Definitive, conclusive?

Mr. De Statte. That is the way I would characterize it.

The Chairman. Is it necessary to share it with the committee now or just submit it?

Mr. De Statte. Sir, it is relatively brief.

The Chairman. Why don't you share it with us.

Mr. De Statte. The aircraft was an EC–47Q. It is usually referred to by the call sign for the aircraft, which is Baron 52. It had eight crew members. It was lost over Laos in February of 1973. And I might add, the mother of one of the co-pilots is a personal friend of mine, and I used to work with his father. And so I know something about this. Four days later a search team inspected the records and located the remains of four of the eight?

The Chairman. Whose search team?

Mr. De Statte. U.S. One of the members of that search team was, in fact, a personal friend and had worked with some of the people, the crew in the back of the aircraft. Two of the remains were in the pilot and co-pilot position, the third was in the engineer's compartment. The team was able to recover a portion of this body which was identified as the other co-pilot. The fourth body they found was near the engineer's compartment.

Normally, in this type of aircraft there are two positions immediately behind the engineer's compartment. One of these two positions would have been occupied by S. Sgt. Todd Melton. The other by either Sergeant Matejov or Sergeant Cressman. Due to the physical and time constraints and hostile forces in the area, the team was not able to lift the fuselage to search for additional remains.

The search team also found what appeared to be anti-aircraft artillery shrapnel holes in part of the wreckage. They found no evidence that the crew were preparing to bail out when the plane crashed, and it did not appear that the aircraft attempted a controlled landing or a controlled crash-landing. Disposition of the wreckage and other features of the crash site, for example, the absence of skid marks, indicated the aircraft had plunged in nearly vertically to earth, bounced once and landed upside down and burned.

Although operating outside the range of ground radar stations during most of its mission, Baron 52 had frequent contact with other aircraft in the area. For example, the commander made routine half-hourly contacts with, and reported all unusual occurrences to Moonbeam, an airborne command control center which is another aircraft in the area. They also had radio contact with specter 20 and a HC–130 gunship working in the same area.

Electronics warfare crew members, these are the people in the back of that aircraft, also used separate communications equipment to maintain contact with another EC–47, Baron 62, flying in the same general area. The last reported position of Baron 52 was 8 to 10 minutes flying time from the crash site.

Following a review of facts associated with the crash the commander, Eighth Tactical Fighter Wing, in coordination with the commander, 56 Special Operations Wing, they were the commanders of the flying crew and the electronics crew respectively, recommended that the status of the crew members be changed to "killed in action."

The next of kin were informed of this status change, and the facts supporting the decisions, in a series of letters dated between 4 February and 17 February, 1973, which summarized the events of Baron 52's last mission and the evidence obtained by the search team. The commander added that in view of the capabilities of the radio communications equipment, Baron 52's frequent contact with other aircraft and the extensive training of the crew, in case of emergency at least one of the crew would have instinctively used the radios unless the aircraft crashed as a result of some catastrophic incident, that immediately and completely incapacitated the crew members.

Having reviewed the available facts, the field commanders reported that they believed, quote, there was no reasonable doubt that all the members of crew of Baron 52 were killed in the crash, close quote.

Now as for the Intelligence information that Mr. Usry referred to. Although the observations of the search team and other facts constituted what the field commander believed to be compelling evidence that none of the crew members survived, four sets of Intelligence Reports, portions of which were declassified for release to the next of kin, led others to speculate that four electronics specialists could have survived. Two of the documents were dated 5 February, 1973 and another 17 February 1973, 12 days later, and the fourth, 2 May 1973. I might add that I believe Mr. Mooney, who has testified before your committee, claims to have written that particular document.

Through longstanding misinterpretations of these sanitized documents, an erroneous impression of survivors, was preserved. Yet in fact, the four reports do not relate to the loss of the EC–47.

(1) The initial 5 February report originated in the area of Vinh, North Vietnam, about 240 miles by road, north of the EC–47Q crash site. In that report, which was issued as an unevaluated spot report as soon as the information was acquired, a North Vietnamese unit near Vinh said it was holding four prisoners who were not further identified.

(2) The later 5 February report based on and issued after a review of the information in the earlier 5 February report provides no additional insights into the origin or the identity of the prisoners. Now I might add for clarity, both of those documents refer to the same initial report, so these are not two separate reports. They are simply two pieces of intelligence information. The two reports based on the same item of intelligence.

(3) The 17 February document is a report by an enemy unit of the alleged downing of an aircraft in the area immediately south of demilitarized zone which separated North and South Vietnam, and as such does not relate to the EC–47 or its crew.

(4) The 2 May report is yet another analyst interpretation of the 5 February reporting and is neither new information nor a new report. DIA's review of the evidence shows that the analyst who prepared the 2 May report made a number of arbitrary and erroneous assumptions, and speculative assertions all in an attempt to

infer that the 5 February information originated from a location much closer to the EC–47 crash site and that some of the crew survived.

The 2 May report therefore actually provided no more conclusive information than did the original 5 February report. However, the unwarranted personal speculation tends to draw attention away from this fact. In conclusion it should be emphasized that the four documents cited above were never conclusively correlated to crew members of the Baron 52.

The documents initially were entered into the files of the crew members only because the information was acquired shortly after Baron 52 became missing and it was anticipated that future reporting might permit the DIA analyst to make a definitive correlation to the Baron 52 incident.

No such reporting was ever received. It is further emphasized that following the loss of Baron 52 none of its crew members were ever seen alive and there is no intelligence whatsoever which would indicate any of the crew survived the incident of loss.

The CHAIRMAN. I appreciate that, that is helpful. Mr. Usry, what do you say to that?

Mr. USRY. Mr. Chairman, as I stated previously, one, I do not profess to be an expert on the Cressman shoot down. I simply offered to you what we had on Cressman and asked that you review it and compare it with what DIA has just provided you or what they will provide to you at a later time. There is a very good argument made here, in the report, from what I can see, but again, this is not something we spent a lot of time on. It was in the documents I brought with me today. And when I heard it being discussed by you, I provided it for you.

The CHAIRMAN. I appreciate that. Let me ask you, Mr. De Statte, very quickly, this plane had destructive mechanisms in it, did it not self destruct so it would not fall into enemy hands?

Mr. DE STATTE. Sir, I am not aware of that.

The CHAIRMAN. Did not our electronic capable aircraft have that kind of destructive capacity?

Mr. DE STATTE. I do not know the answer to that question. I can find out.

The CHAIRMAN. I would be confident it did.

Mr. DE STATTE. I just do not know that for certain.

The CHAIRMAN. Well, assuming it did, what was left, I mean why was there so much left of it? Was the electronic equipment in fact intact when the crew visited it. Did they make a determination.

Mr. DE STATTE. They did not go inside the fuselage, as I recall.

The CHAIRMAN. Well, how did they find the remains they found?

Mr. DE STATTE. Looking in from the outside.

The CHAIRMAN. Only looking in from outside? Now is it possible somebody could have bailed out before the crash?

Mr. DE STATTE. I am working from a summary here, not the total record, but no, it is not possible. This aircraft . . . I know the aircraft, it is particularly tight and configured in a way, it is very difficult to move and when you are in your position you were kind of there.

The CHAIRMAN. But I gathered there were a couple of slots from which you could bail relatively easily, is that incorrect? Do any of the military folks here have data on that? Well, we will look into that. Let us not get bogged down with the details now. We have got a presentation on both sides, it is interesting and we will evaluate it. Do any Senators have further questions?

Senator SMITH. Mr. Usry, can you tell me the rationale or the reason for doing the report? Why did you do this report. This is obviously very comprehensive and as you have seen, controversial, but why did you take this task on. For what purpose? Did someone direct you to do it? Whatever information you could provide the committee in that regard?

Mr. USRY. In November 1984, while I was still in the service. As a criminal investigator I was assigned to Korea and shortly before the end of the year I was given an investigation which I foolishly thought would only take 6 weeks.

Basically what it was, it was a series of allegations levied by a major then in the service by the name of Mark Smith and his name has come up repeatedly in here. And the allegations ranged from things such as utilizing these special forces detachment in Korea as a transshipment point for high- dollar value items that they could escape Customs and then give to high-ranking Korean officials; two, the failure on the part of the U.S. Government to act on information concerning live POW's.

Well, I investigated that from 1984 basically to March 1986 and what I found during that time frame was that in every instance where Major Smith, at the time had indicated that he knew something, as a fact, it was in fact a fact and there was credibility to his allegation. When he said he had heard something, and he did not really know whether it was factual or not, that is what he reported. Also, during that time frame of course I felt like I was the messenger or bearer of bad tidings and as I have felt here on occasion, it was more-or-less, let us shoot the messenger.

What I would do is I would come back to the United States and provide briefings to the Pentagon concerning the allegations that Major Smith had made, and in many instances, substantiated, that there were problems with high-ranking Korean officials at that point in time.

There seemed to be little or no interest to substantiate that or to report that; the interests seemed to be at the time to discredit Major Smith and I was asked repeatedly did I find anything that might indicate that Major Smith had done anything wrong and the allegations ranged from cross-border operations into Laos, dealing with guns or smuggling guns and gold throughout Southeast Asia, to bouncing a check.

And again, no real concern as to the allegations and substantiated criminal conduct that Major Smith had reported so when it all boiled down the big issue left was whether or not Major Smith had reported to a general officer information that Major Smith felt was valid information concerning live Americans as POW's.

My charter was never to determine the validity of that information, just whether it had been acted on. And I reached an impasse, where basically it was one person's word against the other and when I briefed my senior officials concerning what had been a routine way to determine who was telling the truth, or at least offered the opportunity, for either one to undergo a polygraph examination, there was no problem at all offering Mark Smith a polygraph examination, but I was not to offer the general a polygraph examination. Keeping in mind that that is a routine procedure that one would do in this type of investigation.

At the end there was some deliberation as to how this report would finally be written as well as what offenses would be reflected on the part of each individual who I identified as conducting or committing a criminal offence. The final decision was to list Major Smith as an individual who had uttered a worthless check, when the circumstances of which were very honest and there was every reason as to why he did what he did.

There was no interest at all to determining the validity of the POW information or anything else and then, of course, the particular investigation was classified.

At that particular point in time I saw that there was a real feeling amongst the people that I dealt, within the Pentagon, as well as the other commands that I transcended through my investigation, that nobody wanted to touch the POW issue and they were more intent on shooting the messenger.

Now, I will be the first to admit that Maj. Mark Smith is an extremely controversial individual and I know for a fact that he has invited a Senator out to the parking lot when the Senator referred to him or alluded to the fact that he might be lying. But what I saw at that particular point in time was a man who had provided a list of allegations to which I had substantiated and there was no argument about that; and there was more importance in discrediting him than there was in reporting and acting upon the particular allegations that he substantiated.

Based on that, it, I guess, more or less, picked up my curiosity as to whether or not there is something valid to the POW issue so in 1989, when I was contacted by the Staff Personnel of Senator Grassley and asked if I would come over and brief Senator Grassley, on the result of the Mark Smith investigation, because some people referred to that as a bench mark in this issue, I said I was more than willing and explained to them the process they needed to go through in order for me, at the time, being in the military, to come over and brief a congressional Member.

Well, some 30 days later I was still over at my headquarters and I had not provided the briefing. I had been over to the Department of Defense, I am sorry, the Pentagon IG office to discuss the issue and the questions as to what I thought the Senator might be interested in and I laid out that information for both the Colonel and Lieutenant Colonel that I spoke to at the time and they told me that I would be made available to the Senator at such time as we had an opportunity to look at the report and then determine what the Senator wanted to ask me about and I said, fine.

The next thing was when Senator Grassley came and got me and I provided to him within a 3- or 4-day period of time, a briefing as to what had occurred in the Mark Smith investigation and at that time he asked me if I would like to continue looking at the POW issue.

Naturally, as an investigator, this is quite an interesting issue, based upon my previous dealings with the system concerning the

POW issue, I felt it was something that at least needed to be looked at and that is how I got initially involved in this issue.

What I saw was a definite act to shoot the messenger concerning the issue of POW's and other embarrassing issues for the Defense Department and as Senator Kassebaum asked me last week, have I ever seen the government lie, I saw more lying on the part of the government in cover-up, at least in the Defense Government area that I dealt with, concerning the Mark Smith investigation than I had seen in some time.

I still feel to this date. I feel that that man, as controversial as he is, certainly was not given the benefit of an opportunity, in one instance, to be promoted like anyone else, because of this investigation; certainly was not given the benefit or the opportunity to provide the training to younger soldiers that he was capable of providing, as was pointed out by his superiors. And, on the part of the Defense Department, again, that I dealt with, too scurry and bury this rather than to deal with it as they should. I would be more than willing to discuss that particular issue at any time.

Senator SMITH. I have just a quick follow-up point. Is there, in your opinion, is there a line of demarkation in terms of where you feel people have not followed through or malfeasance, or whatever terms you want to apply. Is there a demarkation point where this does not go on any more? Or do you feel it has gone all the way through, from the days of the Vietnam War to today?

As a final follow-up point, there is that we have had a lot of testimony from individuals, lately, in the hearings, who appear to be very cooperative and who have indicated a willingness to be cooperative, so are you seeing the same thing, say post-1988 and 1989 that you saw, not in terms of contemporary time but in terms of your investigation say in 1973, 1974, 1975?

Mr. USRY. I am confident that the administration that has been represented here, which is the Defense Department and I think the State Department, really wants to do the right thing. I do not necessarily believe they want to do the right thing because that is where their heart is.

I believe that they want to do the right thing now because it is a public issue and there is a committee here that is going to look at them and perform oversight to ensure that they are going to do the right thing.

As an investigator, I would also have to say that the point of departure probably is, the date of these hearings. That would be the safe bet, from an investigative approach, and anything that is before these hearings needs to be looked at to determine whether, in fact, the right thing in every instance has been done, as I said last week, and I hope I have made clear, and, if not, I will try it this time.

I do not believe that everything the Defense Department did was wrong. I believe, in many instances they did good work, but in those instances when they were wrong, we are dealing with human life, or the possibility of a human life, and for whatever reason, those need to be looked at. Whether it was just through an evolution of learning, on how to deal with POW issues, or how to deal with the analysis of information, or because it was an embarrassment, and I do not really have an answer one way or the other, regardless of the reason, the point of departure if I were looking at this would be the day these hearings started and everything before that should be reviewed.

The CHAIRMAN. Thank you very much.

Senator BROWN. Just one quick question. On pages 5 to 8 of your reports you reference the fact that a report in the New York Times, that there were 5,000 POW's held by the North Vietnamese. In testimony earlier today, by Mr. Ford——

Mr. USRY. Senator, I think I can save you time. We were incorrect. There is no two ways about that. There was a misquote. It has been corrected and that is in the new edition of the report. However, I would like to offer that. We still do not feel that it changes the content of the point we are trying to make, but it is an error. I will not argue that.

Senator BROWN. I appreciate you setting that straight. Thank you Mr. Chairman.

Senator KASSEBAUM. Mr. Chairman, I would just like to offer a comment. It is not particularly pertinent except to speak for the fact that you were an investigator for the Republican side, or the Minority side of the Foreign Relations Committee. This was not something undertaken by—and I am a Republican Member of the Foreign Relations Committee—all of the minority side of the Foreign Relations Committee.

Mr. USRY. Agreed.

Senator KASSEBAUM. I just wanted that for the record.

The CHAIRMAN. The Minority of the Minority, Report. Senator McCain?

Senator MCCAIN. Thank you. It has been pointed out to Mr. Usry that your statements in your first report, in spite of 1,400 unresolved reports of first-hand live sightings, the Department of Defense remarkably still believes it has, quote no credible evidence, unquote. How does it dismiss these reports? Was it not important for you again?

Mr. USRY. It was a typo. I agree.

Senator MCCAIN. Was it not important to mention that 75 percent of those were live sightings of people who were alive at the time, then later came home, so there were not 1,400 unresolved reports of first-hand live sightings. There was only 25 percent. of 1,400 reports of first-hand live sightings that were unresolved, is that not correct?

Mr. USRY. Senator, I take no exception to what you are saying, again. This is the way we wrote the report. It was reviewed and this was the determination as to the way it would be published. It think it is very easy to look at something in retrospect and Monday morning quarterback it and say, it should have gone this way. I am certainly not going to argue with that point. I am simply stating that this is what was the final product at the time and it stands as it is.

I would also say that it was not 1,400 unresolved. It was 1,400 resolved, and that is a typo. That has also been corrected. However, the point of fact we are trying to make is that there are 1,400 reports and all I am asking anybody to do and all I have ever asked anybody to do since the day I started on this is go, look at the intelligence yourself, look at the conclusions, reached by an analyst, and then read the raw intelligence that they used to derive their conclusions.

See for yourself whether I am totally incorrect and if I am, I will freely admit so. Or, what I am saying is, in fact, correct, which is, there are bad analysis.

Senator McCain. Please do not suffer under the impression that I am alleging that you are incorrect in any way. I am just pointing out that a statement that says there are 1,400 unresolved reports of first-hand live sightings is far, far different and frankly, I think, a typo is not the description of it, where 75 percent of these live sighting reports were true and verified, but they happened to be individuals who were there at the time and have since come home.

Let me move on to the Borah pictures. When did you first obtain the pictures that were alleged to be Lieutenant Borah?

Mr. Usry. July 13 or 14 I believe. It would have been the weekend of the National Alliance and National League of Families Convention here in Washington, DC.

Senator McCain. What year?

Mr. Usry. This year.

Senator McCain. That is the first time you have ever had copies of the Borah pictures?

Mr. Usry. Yes, sir, to my knowledge.

Senator McCain. The Department of Defense seems to think you had them since 1989. Do you know why they would think that?

Mr. Usry. No I do not. And if they would like to tell me I would be more than interested in hearing. I received the photographs, to the best of my recollection, from the family members themselves, when they were attending the National League of Families Convention on the weekend of July 12, I believe, was what it was.

Senator McCain. Did anybody else on the staff have these pictures that you know of prior to July 1991?

Mr. Usry. As far as I am aware, there was no-one else on our staff that had those. In fact, when I saw the photographs that were provided to me by the family members, I indicated to them at this time, or at that time, it was my belief that that was not their son or brother, but in fact a Laotian. However, I also indicated I was by no means an expert and we would try to get it analyzed.

Senator McCain. Maybe somebody here from the Defense Department can clarify, why they believe. Can you, Mr. Sheetz—why you believed the information was—can you clarify from the microphone, so that we can have it on the record.

Mr. Sheetz. I think from the interview of Mr. Ahroa, we know the pictures were taken some time in 1990, early in 1990. All the Defense Department knows is the first time they came to our knowledge was when they were shown on nationwide TV. Jack Bailey indicated to us, in an aside, in our debriefing with him in August of this year, that he had turned over copies of the Carr pictures to the Senate, approximately a year previously.

Senator McCain. That was an incorrect statement on the part of Mr. Bailey. Was that an incorrect statement on the part of Mr. Bailey, to your knowledge, Mr. Usry?

Mr. Usry. I do not know. I know I did not come into possession of any of the Carr photos at that particular point in time. In fact the first time I was even aware of Carr photos is when I saw a telecopied copy of the Carr photos in Senator Grassley's office.

Senator McCain. I am speaking of Borah photos.

Mr. Usry. I believed you asked me about Carr photos.

Senator McCain. I am sorry, but you know of no-one else who had, besides those family members who gave you that picture, you know of no-one that works on the Hill that had copies of those pictures, before you did in July 1991.

Mr. Usry. It is my understanding that those photographs were sent to the FBI some months before for analysis by another member on the Hill. But again, that is secondary information. I am not aware, personally, of that occurring. That is just information I have heard.

Senator McCain. Thank you. I hope we can clear that up because obviously you share my view that we want any information to be brought to the proper authorities; any and all authorities that can act on any information that we have both government and nongovernment, as rapidly as possible and clearly we would want to bring any information we had to the Department of Defense and the DIA, I am sure you agree with that. Before your trip, and I guess the basis of your trip, please correct me if I am wrong, was primarily based on information that was brought forward by Khambang, correct?

Mr. Usry. It is our understanding, the information was funneled or channeled through Khambang to the Judge. I would also like to add that, and this was in fact discussed with Secretary of Defense that we were not comfortable, totally, with the information, but due to the limited amount of time in which the sources or alleged sources could stay in Thailand, since they were Laotian we were more or less forced to act in the time frame, that we did. I mean under ideal circumstances certainly there would have been a different situation, but because this was more or less put upon us at the last minute we felt that it was compelling enough that we had to act.

Senator McCain. Thank you, thank you very much, Mr. Chairman.

Senator Smith. Mr. Chairman, I think I can help clarify that for Senator McCain. And I do not know whether other contacts were made to other Senators or Congressmen by Mr. Gayden, but I did receive, he came, and Mr. Gayden came to my office and I am trying to remember whether I was in the Senate or the House at the time, but I believe it was the Senate. And I would stand corrected if that is not accurate, but I believe it was around the time that I took office, which would have been in December 1990 or January 1991, and he indicated that he had a photograph of somebody that alleged to be Borah and refused to provide that photograph to me, but indicated that, he showed it to me. Subsequently, a number of weeks or months later, he did bring Mr. Gayden did bring those photos in, at which time I provided them to General Vessey, in my office, so that would just clarify what happened as far as my involvement with those photographs.

The Chairman. Mr. Usry, if no other members have questions, let me summarize before I ask the administration if they have any further word and before the close today. Let me ask them first of all if they do, Mr. Ford, do you have anything that you want to respond to? You do not and Mr. Sheetz? No.

Mr. Usry, let me say this to you. You have sat here and appropriately sort of taken some heat, I think, and questions and people saying, is this a fact, is that a fact, and in effect have had to say, well that was a mistake or this was not, on some items, which makes you like DOD, DIA, and a lot of other folks who are here, it makes all of us in the same boat, in a sense. We are all capable of that. I think it has been helpful. My personal opinion is, it has been very helpful because it sets a standard, if you will, for how this committee is going to have to proceed for whatever we put out in a report. But I want the record to show that I believe your intentions here are of the highest order. I think you want this issue resolved and I think you are absolutely concerned, legitimately, about having this resolved and I think your motivations are appropriate to want to get answers where you ought to get them and while, I and others, might have some differences with you as to how some material was presented, I do not think any of us would doubt your sincerity and your commitment and the extraordinary time you have put in to try and help us resolve it.

It does underscore the committee's responsibility to do this responsibly and carefully, without injury to people who are working hard in the field, who do not bear culpability for things that took place 15 years ago, or 20 years ago, which they did not decide, and which they did not do and it is important to try and separate that as we go along here.

Part of the effort that I view this committee charged with is to try to show that Congress can do something well, rationally and reasonably and that we can have a good work product and government does not have to mess things up but rather it can shed light and restore credibility. And so, we have helped scratch the surface of that today.

We are going to have to go through your report and you are going to have to help us go through the report to separate not all of it in public like we did today but to separate what stands up and what does not and what stands up we are going to go after and we are going to look at. So when ultimately we do it we are going to have to deal with your report and the prior reports. Now, I take it that you are prepared as you said you were last week, to turn all the material over to the Committee and work with the staff and you will be working with the staff in an effort to help us sort that out, am I correct?

Mr. Usry. Absolutely.

The Chairman. And I also take it Mr. Ford, the administration is prepared to get back to us on the request I made with respect to the declassification process at issue?

Mr. Ford. That is correct.

The Chairman. And third, you are prepared to set in motion this new relationship with the families. So that we can all work to guarantee their getting the information that they desire.

Mr. Ford. That is correct. Mr. Chairman.

The Chairman. I thank you for that. I think that is a very important first outgrowth of the committee's effort if you will, I think it is going to be very important to helping resolve this.

We will be meeting as a closed committee on Wednesday of next week to hear from CIA, NSC and DIA and meanwhile the committee will be fanning out in a number of directions, talking with people and seeking information. I think we crossed an important divide, if you will, in the course of the last 4 days' hearings, not consecutive days, but in these hearings. And I just want to summarize this before we proceed to the last witness, but I think that Secretary Ford and Secretary Cheney and others have basically acknowledged, not basically but have acknowledged, that it appears as though some folks were left behind and that is what this is all about.

There are various degrees of evidence about that, not the least of which is somebody like Bill Bell asserting it, as well as others who have asserted it, some not before this committee. I want to again emphasize that this committee is not seeking to become a forum for finger pointing. If the Soviet Union can make an announcement about huge numbers of people being killed by their troops during the war then others can acknowledge things that happened, surely 20 years later, we can make some admissions of error and move on.

I would be much happier if this process enables people to do that. So that we can understand the truth and clear the air and move on, rather than get caught in some exercise of flagellation about that past. I think we have heard a considerable amount in these first 3 days, and I appreciate Senator Grassley's comments on the floor last night. I am glad he has found these first few days valuable. I think we have had a good beginning. Let me thank you, Mr. Usry, now if you could make those materials available and begin to help us catalogue them and so forth, we need to get to work through that and I appreciate your testimony.

Mr. Usry. Senator, can I give you one more document?

The Chairman. Sure.

Mr. Usry. You had asked the Department of Defense, and I am certainly not trying to usurp them again. That is certainly one of the things that I had. It is just basically a number-crunching of casualties from between January 1961 and December 2, 1973, and its origin is the Department of Defense, Office of the Assistant Secretary of Defense Comptroller Direct for Information Operations and is dated December 5, 1973.

[See p. 932 of the appendix.]

The Chairman. That will be very helpful to us and that is part of the record and that will be very helpful because part of what will be submitted next week or so will be our own numbers-crunching of DIA and others in an effort to really ascertain once and for all what the chart is on this and we will factor that in.

Mr. Usry. What I wanted to point out in this and again, I am sure that the numbers have changed because of information that has been provided since 1973, but as of the December 2, 1973, still carried in a technical status of captured or interned were 59 people, and I believe that that is something that does need to be explained as I am sure that it can be again. This was faxed to me, and I said that I would get it in and I would assume that the document is a valid document which is easily checked but it is certainly is a starting point.

The CHAIRMAN. We have a number of other documents that bear on this and we will be working on those.

Senator MCCAIN. As you know, Mr. Usry, those were people that we had photographs, communication with, and clear evidence that they were alive, at least at the time of their capture, and in some cases they were resolved because we knew what had happened to them and others have never been resolved, so I think we are aware of that and that is why we have started through this process, as flawed as it may have been from time to time. Thank you.

The CHAIRMAN. We have one final panelist, this will be a very very brief presentation, but one that is important also and I would ask Mary Backley, the director of operations for the National League of POW/MIA families if she would come forward, please. Thank you, Mr. Usry.

Mr. USRY. Thank you.

STATEMENT OF MARY BACKLEY, DIRECTOR OF OPERATIONS, NATIONAL LEAGUE OF FAMILIES, WASHINGTON, DC

Ms. BACKLEY. Mr. Chairman, I realize it has been a very long day and I will be as brief as I possibly can. Prior to beginning I must say, and thank the committee for their desire and their persistence in terms of declassification of the road map which I heard earlier today, that is something that our League Board has unanimously approved and would like to see, declassification of the road map.

We believe that a great deal of confusion will be cleared up if that document were to be made public and so I thank the committee for that.

Mr. Chairman, and members of the select committee. Thank you for the opportunity to provide an official response to Patricia O'Grady's accusations against the National League of Families during her testimony before this committee on November 7. The League fully supports the committee's insistence on substantiation of all assertions and requests the committee's consent to examine Ms. O'Grady's purported documentation, if received.

Since Ms. O'Grady neglected to provide any specific examples to support her allegations, it is difficult to decipher the basis for her claims. However, I will address each accusation individually, clarifying League positions and policies as adopted by the annually elected board and/or membership.

According to Ms. O'Grady the National League of Families does not represent the interests of the men.

Founded in 1970, the National League of Families is the only national organization comprised solely of close relatives of Americans still prisoner, missing and unaccounted for in Southeast Asia, as well as Vietnam POW's, returned POW's.

As stipulated in the Articles of Incorporation, previously submitted to the committee, the League's threefold objective has been and is first, the return of all prisoners; second, the fullest possible accounting for the missing; and third, repatriation of remains of those who died while serving our nation in Southeast Asia. This threefold objective recognizes as it has since our founding, the relationship between the live prisoner issue and ending uncertainty. In keeping with these objectives, the League has strongly advocated and supported increased U.S. Government efforts which have thus far resulted in the return of over 300 Americans to their families and to their homeland.

It is our position that Americans are still held in Indochina. Therefore, the League continues to press for their return. At the same time, the fullest possible accounting is crucial to achieving answers for the families and directly impacts on the live prisoner issue. The two tracks must be pursued simultaneously.

The return of any and all live Americans is our highest objective, and the League cannot and will not discriminate when it comes to obtaining answers. We accept and appreciate all information provided by the Indochinese Governments. Though critics have expressed their differences with the League, even Ms. O'Grady does not disagree with the League on this point.

According to Ms. O'Grady, there is a deliberate plan within the League to undermine the issue and thwart efforts to return live prisoners. Mrs. Griffiths has extensive investment and personal interest with the U.S. Government.

I believe that these three accusations in particular represent the core of misinformation which has circulated from time to time over the past 5 years about the League and its leadership, including the board of directors and executive director. The League's objectives have been and remain crystal clear. Strategies to achieve our goals have changed dramatically through the League's history depending upon the level of U.S. Government attention and commitment, or lack thereof, with which the families have had to deal.

For the first time, we have recently looked at our accomplishments since 1982. As you can see and confirm, the League is responsible for many of the changes in U.S. Government policy on the POW/MIA issue, particularly concerning live prisoners of war. As the only nongovernment, active participant in the official POW/MIA Interagency Group, Mrs. Griffiths, as the families designated representative, is not only in a position to help develop POW/MIA policy and constantly monitor implementation, but brings family member concerns to the policy-formulating body.

The League will only maintain its position on the IAG as long as we feel it is productive; this is a view shared by the vast majority of the families in the League. Should the families blindly trust that the abandonment policy of the 1970's will not again become the policy of the 1990's? If U.S. policy potentially endangers resolution of the issue, Mrs. Griffiths is in a position to criticize and work internally to rectify problems to ensure that the best interests of those still missing, the families and the issue are protected.

While League criticisms do not appear on the front pages of The Washington Times, Spot Light, Stars and Stripes, National Tribune, or in some veterans' publications, it is inaccurate to assume that there is always agreement between the League and the U.S. Government. There is disagreement, often at times; however, there is also the ability to work together to resolve differences. Publicity of disagreements, as we have seen, is in Hanoi's interest, not ours, unless U.S. policy and priorities were dropped.

As for the allegation concerning Mrs. Griffiths' personal interest and extensive investment with the U.S. Government, I am compelled to agree with Ms. O'Grady that as a family member, with her own brother still missing in Vietnam, Mrs. Griffiths does have a personal interest, as do the other 2,270 families.

Ms. O'Grady's inference is false by the fact that Mrs. Griffiths requested that her name not be considered to serve in a senior DOD post in the 1985, 1986 time frame. In fact, Mrs. Griffiths has served for 13 years as executive director of the League, acting on behalf of all the families, per the policies and positions adopted by the membership and board of directors, not her own.

According to Ms. O'Grady, Mrs. Griffiths chooses members of the board of directors to her liking and rigs elections of the board of directors. Mrs. Griffiths goes beyond approach; she deliberately blocks the democratic process and refused board member access to the League's family member list.

The League's balloting process for board election and resolution consideration by the membership is approved by the board of directors and implemented by the staff, under my personal supervision and control. Mrs. Griffiths has never assisted or participated in the ballot distribution, collection and tabulation process, which I will outline as follows:

In order to be a member of the League, thus eligible to vote or serve on the board, criteria as set forth in the bylaws must be met and a signed application must be on file.

Ballots are individually numbered and distributed to all eligible League members. The ballots are then inserted in the envelope and mailed to all eligible family members.

A self-addressed, pre-posted return envelope is enclosed with the ballots to ensure that ballots are returned to a contracted certified public accounting firm, not sent to the League office. Any ballots received in the League office are immediately forwarded to the accounting firm which inputs each ballot number into their computer to ensure ballots are not duplicated.

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Prior to the spring of 1986, the League enjoyed the voluntary services of a division in The American Legion, to receive, tabulate and certify all League balloting. The time and effort devoted to tabulating incoming ballots were provided to the League on a voluntary basis.

In the spring 1986, three board members who were seeking re-election questioned the integrity of the process performed by The American Legion. As a result, a CPA firm was and has since been contracted to receive, tabulate and certify all balloting by the League membership, including on policy questions.

It should be noted that a process which was performed with accuracy and at no charge for many years now costs the League a substantial amount of money per contracted tabulation. In addition, questions on the validity of the balloting process performed by The American Legion were initiated by those who were subsequently defeated by the membership to serve on the board.

As for access to the League membership list, a poll of the entire membership was conducted in 1986 regarding continuation of League policy to hold in confidence the names and addresses of League members. By over two-thirds majority, the voting members elected to retain this policy which was reaffirmed in September of this year by the elected board of directors.

According to Ms. O'Grady, Mrs. Griffiths controls the flow of information to the families and participates with the U.S. Government in the concealment of information from the families.

As stipulated in documents previously submitted the League, to include Mrs. Griffiths, has consistently pressed for complete disclosure of information to the primary next-of-kin. In 1982, per the League's recommendation, the Reagan Administration adopted a policy of full disclosure to the primary next-of-kin of all information which pertains, or may pertain, to their missing relative. In 1988, Senator Smith, as a Member of the House of Representatives, submitted an amendment to the Intelligence Authorization Act which codified this policy into law. Obviously, the League was and is in full support of this policy and appreciated Senator Smith's actions on the families behalf. It is up to appropriate U.S. Government agencies to fully implement this policy in a timely manner. That is their job, as dictated by law, not the League's and certainly not Mrs. Griffiths' responsibility.

Five, Mrs. Griffiths' definition of resolution is different than that of the families.

According to Ms. O'Grady, on a number of occasions, to include in all national media, print, radio and television, Mrs. Griffiths has publicly stated her personal belief that Americans are still alive in Indochina, most recently last Wednesday she stated the same before this committee. In addition, Mrs. Griffiths has repeatedly stated that she is in complete agreement with the threefold objective of the League. This threefold objective was formulated by the families when the League was incorporated and remains the same today.

Ms. O'Grady has insinuated that Mrs. Griffiths' self-interest supersedes the recovery of live Americans.

To be quite honest, Mr. Chairman, I was very taken aback by this slanderous allegation. I believe the issue of self-interest was appropriately addressed earlier, as well as Mrs. Griffiths' position regarding live Americans.

However, I would like to conclude my testimony with personal thoughts based upon over 8 years' experience of working with her. While my tenure with the League has been one of amazement and frustration for various reasons, it has also been one of admiration for the incredible dedication, persistence and perseverance exhibited by Mrs. Griffiths despite some very unpleasant circumstances based on orchestrated attempts to discredit the National League of Families.

I have worked closely with Mrs. Griffiths for 6 of my 8 years. All allegations I have thus far either heard or read concerning her or her performance as executive director are false. In her position as executive director, she is not looking for accolades and she is not looking to be liked. She is trying to do her job and press all responsible avenues to obtain answers for the families.

There has never been such a more critical time on the issue than now. In a sad irony, it is somewhat reminiscent of the war. Domestic divisiveness clearly influenced our Nation's view of the Vietnam war. Unfortunately, that divisiveness has returned. Serious cooperation from the governments of Indochina could resolve this issue and opportunities to obtain that cooperation are available, with unified support behind them.

Deliberate attacks against any individual, circulation of rumor rather than fact, and calculated condemnation of the League's leadership and executive director based on lies have once again created mistrust, which in my view could shortly destroy the issue. Though much remains to be done, the League and its membership should be extremely proud of the accomplishments thus far achieved due to its persistence.

I believe that when this issue is resolved, it will be due to the steadfast determination of this organization to press forward, rather than backward. Thank you, Mr. Chairman, and Members of the committee, I look forward to any questions you may have.

[The prepared statement of Ms. Backley follows:]

PREPARED STATEMENT OF MARY BACKLEY

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It is our position that Americans are still held in Indochina; therefore, the League continues to press for their return. At the same time, the fullest possible accounting is crucial to achieving answers for the families and directly impacts on the live prisoner issue. The two tracks must be pursued simultaneously.

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2) According to Ms. O'Grady, there is a deliberate plan within the League to undermine the issue and thwart efforts to return live prisoners. Mrs. Griffiths has extensive investment and personal interest with the U.S. Government.

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As for access to the League membership list, a poll of the entire membership was conducted in 1986 regarding continuation of League policy to hold in confidence the names and addresses of League members. By over 2/3 majority, the voting members elected to retain this policy which was reaffirmed in September of this year by the elected board of directors.

4) According to Ms. O'Grady, Mrs. Griffiths controls the flow of information to the families and participates with the U.S. Government in the concealment of information from the families.

As stipulated in documents previously submitted, the League, to include Mrs. Griffiths, has consistently pressed for complete disclosure of information to the primary next-of-kin. In 1982, per the League's recommendation, the Reagan Administration adopted a policy of full disclosure to the primary-next-of-kin of all information which pertains, or may pertain, to their missing relative. In 1988, Senator Smith, as a member of the House of Representatives, submitted an amendment to the Intelligence Authorization Act which codified this policy into law. Obviously, the League was and is in full support of this policy and appreciated Senator Smith's actions on the families behalf. It is up to appropriate U.S. Government agencies to fully implement this policy in a timely manner. That is their job, as dictated by law, not the League's and certainly not Mrs. Griffiths' responsibility.

5) Mrs. Griffiths definition of resolution is different than that of the families.

On numerous occasions, to include in all national media, print, radio and television, Mrs. Griffiths has publicly stated her personal belief that Americans are still alive in Indochina, most recently last Wednesday before this committee. In addition, Mrs. Griffiths has repeatedly stated that she is in complete agreement with the three-fold objective of the League. This three-fold objective was formulated by the families when the League was incorporated and remains the same today.

6) Mrs. Griffiths' self-interest supersedes the recovery of live Americans.

To be quite honest, I was very taken back by this slanderous allegation. I believe the issue of self-interest was appropriately addressed earlier, as well as Mrs. Griffiths' position regarding live Americans. However, I would like to conclude my testimony with personal thoughts based upon over 8 years experience of working with her. While my tenure with the League has been one of amazement and frustration for various reasons, it has also been one of admiration for the incredible dedication, persistence and perseverance exhibited by Mrs. Griffiths despite some very unpleasant circumstances based on orchestrated attempts to discredit the National League of Families. I have worked closely with Mrs. Griffiths for 6 of my 8 years. All allegations I have thus far either heard or read concerning her or her performance as executive director are false. In her position as executive director, she is not looking for accolades and she is not looking to be liked. She is trying to do her job and press all responsible avenues to obtain answers for the families.

There has never been such a more critical time on the issue than now. In a sad irony, it is somewhat reminiscent of the war. Domestic divisiveness clearly influenced our nation's view of the Vietnam war. Unfortunately, that divisiveness has returned. Serious cooperation from the Governments of Indochina could resolve this issue, and opportunities to obtain that cooperation are available, with unified support behind them. Deliberate attacks against any individual, circulation of rumor rather than fact, and calculated condemnation of the League's leadership and executive director based on lies have once again created mistrust, which in my view, could shortly destroy the issue. Though much remains to be done, the League and its membership should be extremely proud of the accomplishments thus far achieved due to its persistence. I believe that when this issue is resolved, it will be due to the steadfast determination of this organization to press forward, rather than backward.

Thank you. I look forward to your questions.

The CHAIRMAN. Thank you very much, Ms. Backley.

I do not have any questions. I am going to make one statement and then I will turn to Senator Smith.

I am sorry for any hard feelings or sense of abuse that any member of the League or anyone has felt in this process. But as you know, and as everybody knows and is coming to know, there are tensions around this issue and there are deeply-felt opinions.

This committee's job is not, one of the jobs we are not going to assume and I think we have assumed most of the jobs that have come to us in the course of the last days, but one of the jobs we are not going to assume is a resolution of the internal politics of the League.

I wanted to obviously afford you and Mrs. Griffiths particularly, whom I respect and who I have worked with, any opportunity to respond as we thought it was appropriate to afford people who have criticisms the opportunity to voice those criticisms. They are part of the dynamics of this issue. And they are very much a part of the attitudes and the conditions and people's feelings and suspicions.

What you have really articulated here, what the whole League dispute articulates and the reason I think it is very important in understanding this issue, is the degree to which there is a division which has even entered among the families and that is, in its own way, a very sad commentary on the whole process. It underscores why it is so important for us to get the League so that it feels like one again, so that we get the Senate and the various administrative departments working together as one on this and so that we are resolving it and not carping at each other.

Ms. BACKLEY. I understand, Senator.

The CHAIRMAN. I think your points are well taken and I think it was appropriate for you to come here and set the record straight on that.

Ms. BACKLEY. I agree, Senator, and it is not so much a matter of feeling as though the League took abuse or Mrs. Griffiths took abuse, there were statements that were simply inaccurate and false and wrong. And it is with regards to divisions, they do occur, they occur almost in any organization. Not everybody is going to agree. The organization, I think has, as I stated, has brought about a tremendous amount of change with regards to how this issue is addressed.

The organization also now consists of the highest membership it has ever consisted in its history and there are disagreements, yes. However, we also agree on everything, in terms of the important aspects of the issue. We believe there are Americans alive in Southeast Asia and we, as family and organization, want to expedite all efforts to get them back, whether it be alive and dead, or dead.

And that is what I wanted to obviously clear up today and I think the organization has taken some very unjustifiable criticisms based upon personal views.

However, I think, yes, you could use the organization as an example, unsubstantiated allegations have been made not only on us but on the issue as a whole, in Government efforts as well as private efforts and it is something that we are firmly behind, is documentation, and I am extremely encouraged by your continued reference to that. I think that it is very important.

The CHAIRMAN. Well, I think you have done what you set out to do today and I think you are been a good spokesperson for it. I also think the League deserves enormous credit and respect for the remarkable way in which it has moved the issue, moved the Departments that are dealing with it and really stood up for what it believes and for what has to happen here.

My request to you is that, as we go along here, this committee will need the League's help and the committee will need you to help apply to this whole thing, a standard of reasonableness as we look at documentation and as we do open up the process, that it not be the parent to further dissension and conspiracy, but rather it becomes the parent to, you know, a resolution of the process.

Ms. BACKLEY. Absolutely. We want to help in whatever way we can.

The CHAIRMAN. And we look forward to working with you on that.

Senator Smith.

The CHAIRMAN. Senator Smith.

Senator SMITH. Thank you, Mr. Chairman, and thank you, Mrs. Backley.

I said in my opening statement when we began hearings that I thought it would be in the best interest of all that we try to work together—whatever the past has been, that we try to work together and hold the same harness, and try to get the answers that we are all seeking.

I think we all admit that we have all made mistakes in that regard in the past, for whatever reasons, and I think we have heard witnesses say, and the senators say from the top, from the Secretary of Defense on down, that the goal here is to try to work together to resolve this.

And in that spirit, I just want to point out a couple of things that I think might be helpful. And I would offer them just as that.

Jeff Donahue has stated, and has written—and these are his words—that dissenting opinion has no forum within the League. Members are forbidden access to the membership roster of the League mailing list. Questions at the annual meeting are severely limited, and no press is allowed during the general session of the annual meeting.

And I agree with Senator Kerry. I am not here to debate the internal workings of the League. They are none of my business, and I do not want to do that. And I am not trying to embarrass you by bringing that up.

What I am trying to say is that I think if those accusations are true, or they are even perceived to be true, it is not a good image for the League. As Senator Kerry has already stated there are many, many differences of opinion in the Senate, as well.

And I found that out this morning when I got beat 80 to 20 on an amendment. But I think there is room for that. The question is, is that accurate—that in your opinion, I mean are those points that I made accurate?

Ms. BACKLEY. Well, I do not believe they are accurate, Senator. I clarified the position with regard to the membership list. Confidentiality of the membership list was originally voted on in 1986, I believe. Ms. O'Grady's husband, Mr. Parsons, was even a member of the board of directors who made that motion to have that confidential. It has been repeatedly reaffirmed by the board throughout the history of the organization.

And as I pointed out in 1986, the families were polled on the League's position with regards to withholding or maintaining confidentially on the list. And 2/3rds majority of the voting members voted to maintain that. So it is the membership, the family's position that they want that maintained, in our confidence.

With regards to no press at the annual meeting, I understand, and I appreciate the opportunity that you are giving me to clarify that. Because my big problem, to be quite honest with you, Senator, is why do these begin? I do not understand, if that is the way families feel, they have an elected board of directors that they can write to.

Now I am extremely encouraged by the fact that over the past few months we have been getting letters in—not a great number—but the families have a right to write to their elected officials. As your constituents write to you, family members can write to their elected officials.

And the League board does sit down and they do discuss. That is their job. They have to. If they did not, I would be outraged as a family member. But they do. And there is a process in place.

Senator SMITH. There is, well, obviously as there is in any organization, there is a—there is deviciveness. That is not a criticism. We are going to have that.

Ms. BACKLEY. Absolutely.

Senator SMITH. I think though some of it relates to—if you go back, and I think there is enough documentation on this to say what I am saying is not controversial—if you go back to some of the memorandums, the Haldeman memorandum, for example. When you go all the way back into the Nixon years, during the war the League—when the League was beginning to organize—POW families were becoming a bit of a nuisance to the conduct of the war to use the, not my words, but the words of those who are running the Government as you saw.

So they had to deal with that. And I think evolving from that, and I think some of the criticisms—this is just my personal opinion, having talked to people on both sides—when the League director moves into the inter-agency group and you begin to get the perception that they are part of the, quote unquote "Government" not that the Government is working toward a different end—that is not the point.

But because of that past, where there was an attempt to use the family members to the benefit of the conduct of the war, which is obviously the case as we saw in the documents, there comes that criticism that why is your League director a part of the inter-agency group? Is she, in fact, part of the Government or does she represent the League?

And I think even when she testified, when Mrs. Griffiths testified here, I felt—as I believe Senator Kerry said—that her remarks were more Government-oriented than they were family oriented.

So I think that is the reason why some of these comments, these criticisms come about. And let me—and I will give you a chance to respond. I just want to say, from my own, personal experience over the past 6 or 8 years that I have been in the Congres, 7 years, there have been three things that I have been involved with, three times that I have been involved with. One was what you mentioned, the

1988 codification of information to the families; another one was the forerunner to that was H.R. 2260, which was a little bit more controversial, because I think it was misinterpreted, which involved publicizing information.

And the last one, of course, was this select committee. In all three cases, I personally, through either personal through a conversation or through a staff person, asked to address the League, or to have somebody from my staff address the League to discuss those issues.

And the one that—the 1988 codification was kind of a last—it was a result of 2260. It was a last-minute decision, almost made on the Floor, so we did not have much chance to address that. But 2260 and the select committee, which was my bill, I was denied the opportunity to—or any of my staff—to address the League on those issues in asking for their support.

From a personal perspective, personal perspective, the League can do what it wants. I am not a member of the League. I felt that that was wrong. I think that you ought to be open-minded enough to be able to accept the comments on legislation which I feel was an attempt to try to help resolve the issue.

So, you know, I bring it up only to say that I think all of us could make some changes. And if you would like to respond to it, please do.

Ms. Backley. Well, the decision with regards to addressing the board, so to speak, I know during July, this past July, I believe your staff assistant, Dino Carluccio was outside of one of our board meeting doors in which it was brought up that you did want to address the board. The board was going to—the chairman of the board was going to draft and send you a letter inviting you to address the next session of the board about this Senate select committee.

What happened before the board convened or met in September is that this was established, it passed. So it was really a moot point to send a letter inviting you to address the board on the merits of the Senate select committee when it was already formed.

Senator Smith. But you were opposed to the select committee, your board, correct?

Ms. Backley. Absolutely, the last year's board was——

Senator Smith. Can you give me a reason why you are opposed?

Ms. Backley. Well, I can give you several. One, in particular, is diversion of assets, resources which the League had fought—and the families—for an incredible amount of time to get the number of assets and resources focused on the issue. We were not sure the charter and direction that the committee was going to take. It was very unclear. And we were afraid that it was going to turn into another conspiracy and cover-up, just focused on that.

We also, obviously, Senator Smith, have experienced select committees in the past. And frankly, it devastated the issue and almost destroyed the issue. And we have referred to them or they have been referred to earlier by the committee, and that was the House committee, as well as the Woodcock Commission. Both committees were forced to make a conclusion. They were temporary, and they concluded that no Americans were alive in Southeast Asia.

Senator Smith. And they were both wrong.

Ms. BACKLEY. Absolutely, and thank you—but the ironic part about it is that the House select committee also concluded that there was little to no chance of further accountability of Americans.

Well, the organization obviously did not sit down for that. We kept on pressing. And ironically, over 230 Americans have been accounted for since the committee issued that statement.

So there is—obviously there is experience from past that led us and obviously caused us great concern. We did not want to see that committee, or this committee to take that direction.

The CHAIRMAN. And now you are filled with admiration and confidence about this committee's ability to come to resolution. [Laughter.]

Senator SMITH. I just want to say in conclusion, I appreciate your candor. And hopefully we can work together and put the past behind us.

And just from a personal standpoint, I think a lot can be done to involve some of those who, quote "have been dissentors" unquote in the process. And I think it would be profitable for all.

Ms. BACKLEY. I know the board looks forward to working with the committee in whatever capacity they can—as does Mrs. Griffiths. Again, she fully concurs with your statement in your opening remarks, Senator, as I think everybody does.

The CHAIRMAN. We have been here a long time, folks. We got here at 8:30 this morning for the committee session. And with the exception of a vote we have not left here. And so this has been a long day.

I appreciate very much your testimony. The committee now has a significant amount of work cut out for it. We will proceed, in the next weeks to have a hearing if the committee feels it has sufficient reason to have a public hearing. But a great deal of our work in the next weeks will be depositions and interrogatories and private work, and data work and so forth.

And so we will make an announcement when we will next have a public session. I want to assure all those who follow the work of this committee on a day-to-day basis—and there are many—and I want to ensure all people who are sort of interested in the public aspect of this inquiry that the fact that we are not having a public hearing does not mean we are hiding anything, nor does it mean that we are not doing anything. It means we are going to proceed to do our homework.

And there clearly will be public sessions as we proceed down here. And all data that we can conceivably make available to the public—with the exception of compromising national security as a judgment made by 12 U.S. Senators—will be made public as we proceed.

So on that note, I thank my colleague, the Vice Chairman, for his help in these early days, and cooperation. And we have a good, solid working relationship with a lot of entities going here.

And we will stand adjourned until further notice.

Mrs. BACKLEY. Thank you.

[Whereupon, at 4:15 p.m. the committee adjourned.]

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